

A N
OVERTURE

FOR A
Right CONSTITUTION
OF THE

General Assembly,

AND
An ILLUSTRATION of it.

WITH AN
APPENDIX,
CONTAINING

An useful and entertaining HISTORY of the
Constitution of that Supreme ECCLE-
SIASTICAL COURT, from the first
Assembly, *anno* 1560, down to our Times,



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*An OVERTURE proposed to the
very Reverend the Presbytery of
Edinburgh, concerning the Con-
stitution of the General Assembly
of the Church of Scotland.*



THE right Constitution of the General Assembly, the supreme Ecclesiastical Court in this Nation, being a Matter of the greatest Consequence and highest Moment, to the Interest, Peace and Reputation of this Church: It will be agreed to by all the sincere Well-wishers of her Good and Prosperity, that all proper Methods should be observed and followed, for having that Judicatory so well constituted, that at no Time it may be a *packt* Meeting.

And since it is an easy Thing to make it appear, that the annual Election of Ministers and Ruling Elders by Presbyteries, to be their Commissioners to the Assembly, is attended with many Inconveniencies, and productive of several bad Effects: 'Tis overtur'd, That the said Commissioners be sent to the Assembly by a *Rotation*, which may be put on such a Footing, as will effectually promote and secure all the valuable Ends of that Judicatory, so happily established to this Church by Law.

The undue Means, and under-hand Dealing, used in the Bounds of the most of the Presbyteries, for influencing Ministers and Elders to give their Voices for the Election of such and such Commissioners, as are of this or the other Stamp or Kidney; by which Means, many have not that Freedom of voting according to their own Light and Inclination, that is to be wish'd for: The dispatching of circular Letters from Meetings of Correspondence to Presbyteries and Ministers, to have Care of sending such and such Members, whom they know by their Characters and publick Appearances, to have distinguished themselves of late in some Matters of Question and Debate, either upon the one Side or the other: The separate extrajudicial Meetings of Ministers and Elders, for concerting in a clandestine Way, who shall be the Commissioners from Presbyteries to the Assembly: The concerting, I say, to send those who are of the same Complexion with themselves, and to keep out others, who are of a different Way of thinking, just as they are variously affected towards them; which, as it betrays a Want of that brotherly Confidence, that the Ministers of the Gospel should have in one another, so it tends very much to support Faction and Party, and to encourage the ambitious Views and selfish Interests of such as aspire to be leading Men: The Care that is visibly taken, to have the Ruling Elders, from the respective Sessions, to attend the Meeting of Presbyteries punctually, for chusing Commissioners, and securing the Election to those, who, by a previous Concert, are determined to be the Persons; which is a shameful prostituting of their Office and Character, to the Humour and Will, the Designs and Views of those who call and bring them up to their Meetings; especially considering, that thro' the whole Year, very few of them attend the Meetings of the Presbytery, or give their Assistance in the managing of ecclesiastical Affairs, in Dependence before them, which is a shrewd Evidence, that there
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is a Turn to be served ; all which are such Evils, as very much need to be provided against.

By a formal annual Election, some Ministers have been return'd Members to the Assembly, for a good Number of Years, without Interruption, to the Exclusion of many of their Brethren, as worthy and deserving as themselves ; and others, who have not had Experience in the conducting of ecclesiastical Affairs, are kept out, and deprived of the Opportunities of knowing our Constitution, and of improving themselves, so as to be useful in the Government of the Church, when their Fathers, thro' the Infirmities of old Age, shall be unable to attend, or shall finish their Ministry by Death. And as to Ruling Elders, by a formal annual Election, some have come to be sent from Presbyteries for a long Tract of Years, for a Dozen, Twenty or Thirty Years, and upwards, without Interruption, which is next to their being constant, or during Life *Members*, which is such a Share of the Government, as few or no Ministers have ever had. By this Means, those Elders have many Opportunities of an universal Acquaintance with Ministers thro' all Parts of the Nation, and a more than ordinary Influence upon them ; nay, the Ascendant, and a Dominion over them, and of being Over-ruling Elders : It seems therefore to be extremely necessary, that Care be taken, that neither Ministers nor Elders be returned Members to the Assembly for a Run of Years ; for since the Commission is for the most Part constituted of the same Persons as were Members of the Assembly, those Ministers and Elders, who are so frequently Members of both, come to have a Monopoly of the Government put into their Hands, and a paramount Power and Sway in these Courts, which every true Presbyterian must dread ; and how much the bad Effects of this do already appear, it is needless here to explain.

It is therefore overtur'd, *first*, with respect to Ministers, That they be sent by Presbyteries to the Assembly

sembly by a *Rotation*; that is to say, that the Number of Ministers who are to be sent to the Assembly, shall consist partly of those who are of the longest standing and greatest Experience, and partly of the younger Brethren; by which Course the Aged and Wise will conduct publick Affairs, and the Younger will learn from them. A Presbytery that sends two Ministers, as the Presbytery of *Dunbar*, shall return him that is first in the Roll for one, and him that is last in it for the other; and in like Manner, a Presbytery that sends Four, as the Presbytery of *Perth*, and a Presbytery that sends Six, as the Presbytery of *Edinburgh*, till they shall meet in the Center; and so continue in going the Round for all future Assemblies. And then, as to these Presbyteries that send an odd Number of Ministers, as the Presbytery of *Haddington*, which returns Three, and the Presbytery of *Air*, which sends Five: In the first Mission that shall be made, according to the proposed *Rotation*, Two of the Three, and Three of the Five, who are first in the Roll, shall be return'd as Members; and then, for the next Assembly, Two of the Three, and Three of the Five, who are last in the Roll, shall be returned to that Assembly. But I am hopeful, nay confident, that the younger Brethren will not take it in ill Part, but will cheerfully agree, that in these Presbyteries, who are in Use to send Three or Five, Two of the Three, and Three of the Five, shall always be of the *senior* Brethren. Thus Division, Faction, Party, and Misunderstanding, which exceedingly threaten the Interest of the Church, will be happily suppress'd, Presbyterian Parity and Equality of Power among Ministers will be preserved, a Sort of Episcopal Power in any of them prevented; none of the Ministers will be overlook'd or slighted, none of them will on that Account be offended or disobliged, but every Minister will have his Due, and in his Course be returned a Member to the Assembly, and in his Turn be a Member of the Com-

Commission. Thus, by the proposed *Rotation*, there will be always in all our Assemblies, such a Number of able and well qualified Ministers, as by the divine Conduct and Blessing, will be sufficient for putting Order to all Affairs of Difficulty and Moment that shall be brought before them. The proposed Rotation, if it shall take Effect, will indeed make an Alteration of a Custom and constant Practice in this and some other Presbyteries, in chusing their Moderator to be a Commissioner to the Assembly; a Change which seems to be reasonable, whether this Rotation shall take Effect or not, especially in these Presbyteries, where the Office of Moderator goes not in a Succession of Ministers, according to their Seniority and Standing in the Ministry; by which Means, as it falls out some are Moderator oftner than others, so they are oftner Members of the Assembly. This, I say, ought rather to be altered; because we must be sensible, that the Moderator of the Presbytery, for the Half Year immediately preceeding the Assembly, comes out to be the Person, whom a previous secret Concert has determined shall be Moderator, and such secret Concerts should by all Means be discouraged.

Secondly, As to Ruling Elders it is overtur'd, That Presbyteries shall return them as their Commissioners to the Assembly by a *Rotation* likewise, that is to say, That Presbyteries shall send such a Number of Elders, as they by the Constitution have a Right to send, beginning at an equal Number of Parishes, according to the alphabetical Order of the Parishes, and so on till they go the Round of all the Parishes within the Bounds. If this were observed, the several Parishes would be equally represented, have their proportional Share in the Administration, and their respective Interests will be attended to. Noblemen and Gentlemen Elders, who never have been, or seldom, Members of the Assembly, by the constant or long continuing Election of some others, will not be kept out, slighted or disoblighd: And

a certain Number of Elders, who are constantly elected, (as if this were their Due, or as if they merited it more than others) who have engrossed to themselves a masterly Sway in the Assembly, nay a Monopoly of the Government of ecclesiastical Affairs (which cannot fail to be of dangerous Consequence to this Church) will be restrain'd.

In fine, Because some of those Elders, who are constant or long continued Members of the Assembly, are returned by Royal Burghs; it is overtur'd, That a Regulation be made as to them, namely, that they shall not chuse any one Ruling Elder to be their Commissioner above two Years without Interruption, nor any that was a Commissioner from a Presbytery to the immediately preceeding Assembly, least that those Elders grasp at too great a Power in Church Affairs, and have a superior Influence in Assemblies and their Commissions to that of Ministers. Wherefore it may be provided, that Kirk-sessions and Presbyteries shall be discharged to attest any Commissions from Burghs that are contrary to this Regulation. The General Assembly held at *Edinburgh, July 1568*, seem'd then to have had the foresaid Considerations in their View, when they made the following Regulation concerning the Constitution of this supreme Judicatory; then they concluded, that to prevent a Monopoly and perpetual Election of a few certain Ministers and Commissioners, they be changed from Assembly to Assembly; so it runs in the old Register, and in Mr. *Calderwood's Church History*, P. 45, and Mr. *William Scot* Minister at *Couper* in his *Historical Narration* P. 9. speaking of this Act, says, "It was agreed to, that the Power of the Assemblies may not seem to rest upon them."

It may be thought, that I have taken too much upon me, in presuming to make the above Overture; but the honest and sincere concern I have for the Interest, Peace and Honour of this Church have moved me to draw it, with a few of the many Arguments that

that have occurred to me for inforcing it, and will be an Apology for my Presumption. And I earnestly entreat this Presbytery may so far regard this Proposal, as to take it under their serious Consideration, and regulate their own Conduct by it, in sending their Commissioners to the Assembly, if it shall be found, after mature Deliberation, to be calculated for the projected Design thereof, *vis.* the having a right Constitution of our national Assemblies, and reforming those Evils and Abuses, we must all be sensible, do prevail very much by a formal annual Election. And it is hoped that this Presbytery will make such further Improvements and Amendments upon this Overture, as that they may send their own to the next Assembly, that they may transmit it to the several Presbyteries for their Opinion thereof, in order to the turning of the same into an Act that shall be observed in all Time coming as a Directory.





*An ILLUSTRATION of the
OVERTURE, and the Arguments therein
briefly hinted at more clearly and fully
represented, and some new additional Ar-
guments for enforcing it.*

THERE is so much advanced already in the Overture itself, as is sufficient for supporting it, and for recommending the same to any disinterested or unbiassed Person, who has not got himself established in the Possession of Power, as the Head of a Party and Faction in the Church, or who has not a Design to make himself considerable by a skilful and dexterous Management, and to raise himself by intriguing and influencing those that are humble and honest, that he may be constantly or frequently a Member of the General Assembly, not being contented to be on a Level with his Brethren, according to that Parity and Equality of the Officers of the Church, which is a Fundamental of the Presbyterian Government and Constitution, the Advantages of which he peaceably enjoys.

But because the Proposer of the Overture had said in the Overture, That the Arguments he had made Use of, were but a few of the many that had occurred to him; and because Hints were only given of them, he is now to satisfy every Body, that what he had alledged was no Imposition upon any, or vain and empty boasting in him; he is now to bring forth into the Field some new additional Arguments to enforce it, and to set forth those in a clearer and fuller Light, which he had only hinted at: And because the Intention of the Overture being not only to show
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the Inconveniencies and Evils, which either attend or arise from a formal Election to be so many and great, as render it not only highly expedient, but extremely necessary to lay it aside; but likewise to substitute something in its Place, *viz.* the returning of Commissioners and Deputies to the Assembly by a *Rotation*, which will cure the Evils of a formal Election, such as Pride and Ambition, Faction and Party, Jealousy and Misunderstanding, Divisions and Disobligations, Monopoly of the Government, and a paramount Power in any, and such like Evils as are the Bane of Society, and which make the Church to be a Kingdom divided against itself. And on the other Hand, it will bring along with it a Train of great Advantages and Blessings, such as, Meekness and Humility, Harmony and Unity, Brotherly Love and Charity, Peace and Friendship, good Order, and Presbyterian Parity, Freedom in the Members of the Assembly, and a right Constitution of that supreme ecclesiastical Court; so that our Church may be as a *fruitful Field, which the Lord hath blessed*. This being the Intention of the Overture, I shall keep it in mine Eye all along in this Performance: I shall therefore first endeavour, to make it appear to the Conviction of my Readers, that a formal Election of Members to our Assemblies, is attended with such Inconveniencies, and productive of such Evils, as cannot but be hurtful to the Church. *adly*, I shall show, that the returning of Commissioners to that supreme ecclesiastical Judicatory by a *Rotation*, is upon many Accounts a more eligible Method.

The *first* of these, I shall make appear by the following Arguments. *First*, The reformed Churches of *France* were so much convince'd of the sinister methods taken by some, to be returned Deputies to their national Synods, that they found it necessary to conceive, and frame a most solemn and strict Oath, that should be administred to all the Deputies, before they could sit and act in their Assemblies, by
 which

which they were purged of all secret Management, clandestine Concert, and all Influence used for procuring the Election for themselves or others, being perswaded of the great Danger of Faction and Party, and of the packing of their national Synods. In their General Assembly held at *Privas*, Anno 1612, Chap. 2. Sect. 1. it was unanimously resolved by the whole Assembly, "That the Pastors of the Place, in which the Synod shall be assembled, shall administer the Oath to the respective Deputies, who shall swear by the eternal GOD, that they have not themselves, in their own Persons, nor do they know that any other for them, or that any of their Collegues have craftily, or by any undue Means, and under-hand Dealing, procured his or their Deputations."

Quick's Synod, Vol. I. P. 348. And this was renewed and confirmed by their national Synod held at *Alex*, Anno 1620. Chap. 2. Sect. 1. There we are told, That every one of the Deputies in that Assembly took the Oath, according to the Decree made in the Synod of *Privas*, that they had not brigued, *i. e.* had not procured to themselves, this Deputation to this Place, neither directly nor indirectly, either for themselves, nor for any others. And this shall be observed, in like Manner, for the future, in all national Synods. *Quick's Synod, Vol. 2. P. 3.* Now had any such Method been taken for securing our national Assemblies, against all undue Practices in any, either to have themselves or others returned Members to the Assemblies, when there are not only the strongest Presumptions of undue Arts used in the Business of Elections; but likewise, when certain Proofs and Documents of such Management can be given, the less could be said against formal Elections. But 'tis very surprising, that when we must all be sensible of the Artifices used by some on all Sides, to get themselves to be returned Delegates to the Assembly; and when there is no Check put to such Management, any should be found to plead for the Election of Members:

bers: Does not this betray a swelling Opinion, in these Persons, of their own Abilities for Government, and a strong Inclination in them, *vis & modis*, to be Managers of publick Affairs? as if they could not be ordered at all, or so well without them.

2dly, The Liberty and Freedom of a General Assembly must be own'd to be a great Blessing to a national Church, as the Freedom of a Parliament is to a Kingdom: But when King James VI. formed a Design of modelling the Church of *Scotland*, according to the Constitution of the Church of *England*, and executed it in a great Measure, we were deprived of lawful and free Assemblies for the Space of twenty six Years: During this Period we had six Assemblies; but all of them were condemned by the Assembly held at *Glasgow*, Anno 1638, *Sess.* 12th, as unfree and unlawful, and declared never to have had, nor hereafter to have any ecclesiastical Authority, and their Conclusions to have been, and to be of no Force, Vigor nor Efficacy; and in particular, the first Reason given for condemning the Assembly at *Glasgow*, Anno 1610, was, Because the Election of the Members was not free. The Evidence brought for this, was, That they were nominated by the King's Letters to the Presbyteries. And now, if this is a good Proof, that the Election was not free, because Presbyteries elected such as the King had nominated to be chosen (as surely it is) then *a pari*, the Electors in Presbyteries are not free, if they are solicited, over-awed or threatned by this, or the other Heritor, if they shall refuse to vote for the Person or Persons they name to them; or by this or the other Elder, that they will desert the Session, and their Ministry; or by this or the other Minister, that they will make them uneasy in their Parishes. Now it is all one who threatens, if the Electors are overawed; it is all a Matter who packs an Assembly, if it is pack'd: The Freedom and Liberty of it no more remains. And in this Case, a Church is not a whit the better,
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by having a national Assembly, than the Kingdom of *France* is, which has the Form of a Parliament, but not the Freedom of it. In the Year 1638, when this Church had the Prospect and Expectation of a free Assembly, which did actually meet in the Month of *November*, Care was taken, that the Electors should not regard any Manner of Influence in giving their Votes, because this Church had smarted severely by six former Assemblies. I find in the old Register of the Presbytery of *Peebles*, in the first of *October*, Year foresaid, being the Day of their Meeting for the Election of their Commissioners to the Assembly, that the Moderator took every Minister and his Elder solemnly sworn, that without Partiality, they should vote according to their Consciences, who should be their Commissioners; and I believe, this was observed in all the Presbyteries thro' the Nation. If the like Precaution were used now, when we all know what Partiality prevails every where in electing Members, the less Exception had been made against the electing of them to the Assembly; but when nothing is done for restraining this, but it abounds more and more, whatever Freedom some may have, who cannot be moved by the foresaid Solicitations or Threats; yet it is undeniable, that many have not their Freedom in making a Choice; and therefore, let People talk of the Freedom of Election what they please, and amuse the World and simple Part of Mankind, with such a popular and charming Phrase, yet the Thing meant by it, is not enjoyed. And further, if the Electors are influenced and biassed to vote for Members contrary to their Light and Inclination, and do vote partially, out of Fear or Favour; Is it to be expected, that the Commissioners elected by them will be impartial Judges? Must not such Persons be an easy Prey to those that have a Mind to pervert them? Or can it be thought, that they will be Proof against the Power of Influence, Solicitation, Cajolling, Threatning, and the like? Must we not think, that Persons
elected

electd by such undue Means, have some other Turn to serve, than the Interest of the Church? By our Law, if a Witness is threatned, or dealt with any Manner of Way to depone one Way or another, in any dependent Cause before a civil Judge, his Testimony will not be much regarded: Much less is one fit to sit, and act as a Judge, if his Freedom of judging is impaired or restrained by Promises or Threats, good or evil Deeds. It seems that our Church in the covenanting Times, had Apprehensions of Dangers this Way, and used Precaution against it: For I find from the old Register of the Presbytery of *Haddington*, *December 18. Anno 1644*, the Day appointed for electing their Commissioners to the General Assembly, that when Mr. *David Calderwood*, Mr. *Andrew Blackball*, and Mr. *Robert Ker* were electd, the said Commissioners accepted their Charge with lifted up Hands, giving their Oath *de fidei administratione*. If such an Oath was ever expedient or necessary, it is so now; when it is certain, that the same Persons, in Causes exactly parallel, have given their decisive Voice different Ways, which confirms the old Saying, *Show me the Man, and I will show you the Law*.

3dly, By a formal Election, it is in the Power of the Electors, if they have a Mind, to return the same Members constantly to the General Assembly; and this Power has for several Years been thus exercised in several Presbyteries; and who knows when they will alter this Method, if no Check shall be put unto it? The Assembly *July, Anno 1568*, foreseeing the dangerous Consequences of such Managements, made an Act, ordaining, *That to prevent a Monopoly, and perpetual Election of a few certain Ministers and Commissioners, they be changed from Assembly to Assembly*. And (as is related in the Overture) Mr. *William Scot* Minister of *Coupar* acquaints us, That this Act was agreed to, that the Power of the Assemblies may not seem to rest upon them. I mention this Authority, because he had the Character of understanding

Understanding the Laws and Customs of the Nation above many Men: He was one of those Eight steady and worthy Ministers that King *James* called up to *London*, when he had imprisoned other Fifteen eminent Pastors here in *Scotland*, that neither the one nor the other might oppose or defeat his Design, of introducing Episcopacy by the pretended Assembly at *Glasgow*, Anno 1610. It will be owned, that if any of the Clergy, should be either constantly, or very frequently Members of the Assembly, this may have very fatal Effects: Is not this to establish so many Bishops over their Brethren? A monstrous Kind of Episcopacy; an Episcopacy, when it is given out, as a Principle, that there must be a Parity among the Ministers of the Church. But is it not equally dangerous to the Church, to have a certain Number of Elders constantly, or for a Run of Years returned Commissioners to the Assembly? Is not this to put a paramount Power in their Hands, a Power above what no equal Number of Ministers have ever had in this Church? Is not this to make so many inferior Officers of the Church, to be Bishops over the superior Officers of it? Is not this contrary to that necessary Subordination, they ought to be in to Ministers, according to the Presbyterian Constitution? I chuse to express this, in the Words of Mr. *Robert Baillie*, Principal in the College of *Glasgow*, in his *historical Vindication of the Government of the Church of Scotland*, P. 22. *Ruling Elders* (says he) *are but Assistants in Discipline, the principal Charge lyes upon the Labourers in the Word and Doctrine. We do not allow to an Assistant the Place of the Principal.* The Composers of the *first Book of Discipline*, who had the Honour of being the chief Instruments in bringing about our Reformation from the Church of *Rome*, had their own Apprehensions of Danger and Hurt to the Church in its Infancy, by continuing, for any long Time, the same Elders, as Members of the Kirk-session: For *Chap. 8. Sect. 10.* they assert, *That there*

there ought to be a free and yearly Election of Elders and Deacons, because this shall suffer none to usurp a perpetual Dominion over the Kirk: They were so much afraid of this, that they asserted again the Necessity of such a Change, *Chap. 10. Sect. 3. The Election of Elders ought to be made every Year, least, of long Continuance of such Officers, Men presume on the Liberty of the Kirk.* But how could this annual Election be a Security against this Evil, unless a Change was made of the Persons? In these Passages of the *first Book of Discipline*, I suppose, that by the Kirk, is meant the parochial Kirk, or the congregational Session: So that their Fears were, That if the same Elders were constantly Members of the Session, they might in Time come to encroach upon the Liberties of the Kirk, and ingross too great a Dominion and Power to themselves; but is there not greater Reason to be afraid, that the Kirk in its larger Extent and Signification, may be in Danger, by the constant or long continuing Membership of the same Ruling Elders in the General Assembly? Do we not find some of them usurping a masterly Sway, both in our Assemblies and Commissions?

ably, According to the present Constitution of the General Assembly, the Royal Burghs, which are in Number sixty six, have the Right and Privilege, if they please to exercise it, to be represented each of them in the Assembly by one Ruling Elder, and the City of *Edinburgh* by two; so that the Number of Deputies from the Burghs will be sixty seven exactly, according to the Number of Representatives they had in the Parliament before the Union of the two Kingdoms; now the Deputies from Burghs are elected by the Magistrates and Town-Council, and Ministers have no Vote in their Election: All that is reserved to Ministers in this Matter, is to concur with the Elders in Sessions and Presbyteries, in attesting that the Persons chosen are qualified according to the Acts of the Assembly to be Members of it;

by this Means there is a great Ballance on the Side of Elders, that such a Number as sixty seven may be sent as Delegates to the Assembly, in which Election no Minister of this Church has a Vote: Whereas there is not a Minister elected by a Presbytery, but he is chosen by the Elders in Conjunction with the Ministers; so that if the Elders in the Meeting of the Presbytery, for Election of their Deputies to the Assembly, shall take to a Side, they being supernumerary in most Presbyteries to Ministers by one, (for the Moderator being a Minister has no Vote) it is in their Power to carry the Election against the Votes of Ministers as they please, and to give us Assemblies and Commissions as they have a Mind. This is a Defect in our present Situation, against which no Provision is made: It is too well known, that two or three Ministers in some Presbyteries, by a skilful Management of Country Elders, give them Moderators, chuse their Representatives for them, and determine all publick Affairs, over the Belly of the most wise and experienced Ministers.

5thly, There is a manifest Difference in the Method of electing of Commissioners to the Assembly, according to the present Management of it: Whereas it should be one and the same, since all the Members of the Assembly are really Representatives of distinct Societies; and they therefore should be elected by those whom they are to represent. The Royal Burghs have their Representatives, and they are elected by the Magistrates and Members of the Town-Council: Universities have their Representatives, and are elected by the constituent Members of the Faculty; and why then should not the Elders, now chosen by Presbyteries, who are really the Representatives of the Shires (as will afterwards clearly appear) be elected by the Gentlemen or Barons of the Shire, as was anciently done, for they were represented in the Assembly by their Commissioners,

as well as the Royal Burghs by theirs? And why should not Ministers, who are directed to the Assembly, to be the Representatives of the Ministers in the several Presbyteries, be elected by the Ministers themselves, who are to be represented by them? The House of Commons consists of Representatives, who are chosen by the Counties and Burghs whom they represent. This holds as to our Assemblies, with respect to Burghs and Universities, and why should it not obtain likewise as to Barons of a Shire, and the Ministers of a Presbytery? Why should the Elders have any Voice in the electing of Ministers, since the Ministers do not represent them? And why should Ministers have a Vote in the electing of Elders, since the Elders are not their Representatives?

6thly, The Overture shows in particular, that for good Reasons, the Custom in several Presbyteries of electing their Moderators to be Commissioners to the Assembly, ought to be altered and reformed. But I have something more to offer on this Head. The Assembly April 1582, whereof Mr. *Andrew Melvil* was Moderator, gave the following Direction. It is not thought expedient, say they, that the Presbytery be astricted to direct their Moderator to the Assembly, but that they have Liberty to chuse such as they shall think meetest (and certainly this should be the Rule, if the Method by Election shall be still adhered to) for the Comfort of the Kirk. It was that corrupt and unlawful Assembly, held at *Linlithgow*, Anno 1606, that declared the Moderators of Presbyteries to be necessary Members of General Assemblies; this was one of the Steps that were taken for the Introduction of Episcopacy into this Church; but this Assembly was condemned by that of *Glasgow*, Anno 1638. After the Assembly of *Linlithgow* had made the foresaid Step, the unlawful Assembly held at *Glasgow*, Anno 1640, proceeded to make others for the same End. *Spotswood's Church History*.

xx. 3d Edit. P. 512, 513, sets down no less than nine Conclusions, which that Assembly came to make. The second was, That Synods should be kept in every Diocese twice in the Year, viz. in April and October, and be moderated by the Archbishop, or Bishop of the Diocese, or where the Diocesses are so large, as all the Ministers cannot conveniently assemble at one Place, that there be one or more badi; and in the Bishop's Absence, the Place of Moderation supplied, by the most worthy Minister having Charge in the Bounds, such as the Archbishop or Bishop shall appoint. The eight was, That the Convention of Ministers for Exercise be moderated by the Bishop being present; and in his Absence, by any Minister that he shall nominate in his Synod. And King James was so firmly resolved, that Synods and Presbyteries should have constant Moderators, that he got the above Conclusions of that Assembly ratified in Parliament Anno 1612, Act 1st, and that Parliament ordained them to be obeyed and observed as inviolable Laws for all Time coming; nay, he was so bent upon this, that when the Synods were to assemble, he sent his *Commissarius politicus* to each Synod to oversee their Management, and to overaw them into his Designs and Measures. (I pray God, that we may never be so trysted) And for verifying this, I shall set down the following most memorable Passage. Mr. William Row Minister at Stramiglo, Son of Mr. John Row one of our eminent Reformers, and first Protestant Minister at Perth, having been Moderator of the synodal Assembly, and being, according to the Custom, to open, by a Sermon, the following Synod, in which King James was to urge the bringing in of constant Moderators of Presbyteries, sent my Lord Scoon, Captain of his Guards, as his Majesty's High Commissioner, and several Lords and Courtiers with him. The said Lord Scoon sent Word to Mr. Row, "That if in his Preaching he once made Mention of a constant Moderator, he should

" make

" make Ten or Twelve of the Guard discharge their Culverines at him, the most Part whereof shall light on his Nose." And as soon as the Text was read, he rose and stood in a menacing Posture, having the King's Guard by him. Mr. Row knowing what Vices his Lordship was most addicted to; for especially (as my Author expresses it) he was a fearful Belly-god; he began his Preaching with reprovings of those Vices, so as his Lordship perceiving all the People of the Church looking to him, as guilty, sat down and covered his Face with his Hand. Then Mr. Row began the Dispute, to prove that there should not be constant Moderators in the Church; and knowing that his Lordship understood neither *Greek* nor *Latin*, instead of the Word constant Moderator, he used the Words *preses ad vitam*, i. e. President or Moderator for Life. When Sermon was ended, the King's Commissioner said to some Noblemen about him, howbeit the Minister fell out on my Faults; you see I charm'd him, that he durst not name constant Moderator: But I wonder what Man that hath been, against whom he spoke so much, whom he called *preses ad vitam*; they told him, that was in *Greek* and *Latin* constant Moderator.

1^{thly}, That the Method of returning Commissioners to the General Assembly by Election, is subject and liable to a great many Evils, which cannot but hinder the Freedom of the Members, and the Liberty of an Assembly, may be illustrated, from what frequently falls out in the chusing of Representatives to serve in the lower House of Parliament. The Legislature know very well, that the greatest Abuses have been committed, the most corrupt Methods taken, and the most unjustifiable Practices followed in several Counties and Burghs, in the electing of Representatives: They perfectly understood how much the Electors are influenced and pre-engaged by Solicitations, Threats, Promises, and other Ways, to vote contrary to their Inclination and Light; and therefore

fore have used the greatest Precaution, and made the wisest Provisions for securing the Freedom of Elections. Many excellent Laws have been made for preventing these illegal Artifices. There are Laws prohibiting the Peers to intermeddle with the Election of the Commons, because their Greatness and Power may have a determining Influence and Sway; not only by their verbal Orders, but by conveying these to as much Purpose by a trusty and third Hand. There are also Acts of Parliament, discharging Commissioners and Collectors of the Customs and Excise, to concern themselves in the Election of any Member of Parliament, under the Penalty of *L. 100*, the Forfeiture of their Employments, and their Incapacity to serve the Crown in any Office for the future. There are good Laws against Corruption and Bribery in Elections, particularly the Act of Parliament, *Anno 1728*, obliging the Electors to take the following Oath (if demanded by either of the Candidates, or any Two of the Electors) *I do swear, I have not received, or had by myself, or any Person whatsoever, in Trust for me, or for my Use and Benefit, directly or indirectly, any Sum or Sums of Money, Office, Place or Employment, Gift or Reward, in order to give my Vote at this Election: And this Act contains a Clause, laying a very high Penalty on all, who shall take Money or Reward for their Votes, namely, That if any Person who hath, or claims to have any Right to vote in any Election, shall take any Reward by Money, Gift, Loan, or other Device; Or agree or contract for any Money, Gift, Office, Employment, or other Reward whatsoever, to give his Vote in any Election: Or if any Person by himself, or any Person employed by him, doth, or shall by any Gift or Reward, or by any Promise, Agreement, or Security for any Gift or Reward, corrupt any Person to vote, such Person shall forfeit Five hundred Pound, to be recovered by any Person who shall sue for the same, and be for ever disabled to vote in any*
Elections

Election of Members to serve in Parliament; and be for ever disabled to hold, exercise, or enjoy any Office or Franchise, &c. in the Corporation, as if such Person were naturally dead. But yet all these strong Restraints of sacred Oaths and severe Penalties, have not been able to prevent Corruptions in Elections. There are many Instances of such, as have acted in Defiance of them all; witness the disputed Votes, the controverted Elections, double Returns, false Returns, the many Complaints of petitioning Candidates, and the Expulsion of some out of the House of Commons with Disgrace: And now, if solemn Oaths, and extraordinary Sanctions, have not prov'd such a sufficient Fence against these Evils, but some have found out Ways to elude them, this must convince us, that the electing of Members to the General Assembly must be subject to many Evils, that may affect the Freedom of the Electors, and of the Assembly; especially, since no Provision is made for securing against them: Such as the Oath taken in the national Synods of *France*, or that Oath which the Electors took before they elected the Commissioners to the Assembly, *Anno 1638*. 'Tis not pretended, that our Electors are corrupted by Sums of Money, Employments or Preferments; yet, since there are many other Ways of corrupting Persons, and undue Methods, some of which are mentioned in the Overture; It seems to be extremely necessary, that if the Method of sending Commissioners to the Assembly, by an annual Election, shall be continued, great Precaution should be used, and wise Regulations made for preventing those Evils for the future, so far as human Wisdom can contrive or devise. If it shall be alledged, That notwithstanding of the Evils incident to the Election of Members of Parliament, and that all the Precautions and Provisions made, for securing against them, are not successful, the Parliament has never thought of laying aside the Way of Election, nor fallen upon the Scheme of a *Rotation*. I answer, That

That however difficult it may be to adjust the returning of Members to serve in Parliament by a *Rotation*; yet, if it were practicable to bring it about, every one must own, that it is a Method more calculated for preserving the Freedom of Parliament, than the other: But the Difficulty does not seem to be so great with respect to our General Assembly, there being a very considerable Difference between the Constitution of the lower House of Parliament, and our national Assembly, which makes the *Rotation* more necessary, in sending Representatives to the Assembly, than to the Parliament: For tho' they both agree in this, that they are made up of the Representatives of several Bodies and distinct Societies, the House of Commons consisting of the Representatives of the several Counties and Burghs in the united Kingdom, and the General Assembly, is constituted of Representatives from the several Shires and Burghs in *North Britain*, with the Representatives of the Ministers of the Church; yet in this they differ greatly, that our General Assembly consists entirely of Church Officers, whereas the House of Commons is not made up of Civil Officers; I say, the Assembly consists entirely of Church Officers: It is a Meeting of them, to redress what is done amiss by Synods or Presbyteries, and to treat of Matters concerning the general Interest of the Church within the Realm, and to establish good Acts for promoting the same: It consists of a certain Number of Ministers; and all the Ministers of this Church, by that Parity, which is an Essential of the Presbyterian Government, have an Equality of Power in Presbyteries and Synods, they are necessary and constant Members in both; and by the same Parity, all of them have a Right to an Equality of Power in the General Assembly; and because they cannot all attend that Meeting, and leave their Churches without the Ministry of the Word, and the Administration of Ordinances, for so long a Time, as an Assembly requires, for putting Order

the Affairs of the Church every Year; therefore their Representatives must be directed to that Meeting: But so it is, that every Minister has equally a Right to be the Representative of his Presbytery; now, Can this be secured to him but by a *Rotation*? If this is subjected to an Election, it is in the Power of the Electors to deprive him of his Right. The other Members of the Assembly are the Ruling Elders, who also have a Parity and Equality of Power; their Number in the Assembly is limited at present according to the Number of Presbyteries and Burghs in the Nation; and both being put together, are inferior in Number to Ministers by Forty one, as the Number of Presbyteries stood in the Year 1719; but if Elders are returned Members to the Assembly by an Election, and not by a *Rotation*, such as that proposed in the Overture, it is in the Power of the Electors, by chusing them constantly, or very frequently, to possess them with an Episcopal Dominion, not only over other Elders, but over the Ministers, who are the superior Officers in the Church.

In fine, I must be allowed to ask those, who contend and plead for an annual Election, what it is that is to weigh with them, or to determine them, to be for this or the other Minister, this or the other Elder, to be their Representatives in the Assembly? For, I cannot make myself to think, that any will plead for a formal Election, purely to preserve to themselves an absolute Indifference, who shall be the Persons, or to have it to say, that they are to act in this Matter merely from arbitrary Will and Pleasure: There must, in a wise and rational Election, be some ballancing Consideration, turning the Scale one Way or other. Now, pray, What can this be? Is it a personal Friendship for some more than others? Is it foreign Influence, or the powerful Solicitations of those, who make their Addresses to them, whom they must oblige? or the like low and mean Motives? Or will they be conducted in making a Choice, from a Con-

sideration of the Abilities and Qualifications of Persons, for serving in our Assemblies? If this shall be said, will they always choose the same best qualified Persons, or observe a *Rotation* as to those? The former will be acknowledged to have a dangerous Tendency; if the latter shall be said, I am glad that they are so far brought over to my Opinion. But further, if the Abilities and Qualifications of Persons are made the Rule of Election; I am afraid, that this is not much regarded, for I observe, that Ministers of the greatest Sufficiency for managing of publick Affairs, are in most Presbyteries kept out of our Assemblies: The Elections of late are almost every where carried by the Country Elders, who have learned within these few Years to give punctual Attendance upon the Meeting of their respective Presbyteries, for electing Commissioners to the Assembly; and yet very few of them make Conscience of waiting upon the other Meetings of Presbyteries thro' the whole Year; which as it shows that there is a Turn to be served by them; so it demonstrates, that they cannot be good Judges of the Gifts and Qualifications, of the Skill and Prudence of Ministers in the Matters of Discipline and Government, which makes them greatly useful in our Assemblies and Commissions; and yet these very Elders, in giving their Votes, have no manner of Regard to the Persons for whom the major Part of the Ministers give their Votes, who must be supposed to be the most competent Judges of the Abilities of their Brethren; nay, in many Presbyteries the Commissioners chosen to the Assembly come out to be those whom the Elders have elected and not the Ministers. If what is above alledged is Fact, that those Country Elders do not thro' the whole Year attend the other Meetings of Presbyteries, for putting Order to the Affairs of Discipline; is it not highly reasonable, that it be declared, that no Elders shall be allowed to vote in the chusing of Commissioners to the Assembly, but such

such as make Conscience of attending the other Meetings. It has been stumbling to many to observe them waiting on till the Election is finished, and then instantly leave the Presbytery, even when Affairs of Moment from their own Sessions were to be taken under Consideration.

2dly, I shall now proceed to the other Part of my Undertaking, which was to show, that the returning of Commissioners to the Assembly by a *Rotation* is more eligible than the other, as it not only manifestly tends to cure all the Evils incident to, and arising from an Election, but likewise, as it will bring along with it a Train of Advantages and Blessings to the Church. But before I do this, I must premise one Thing for the Understanding of the Overture, viz. that if the proposed *Rotation* shall take Place, it shall not begin at any of those Ministers who have been Members of any of the three preceeding Assemblies, but it shall begin according to the Order of the Roll, with those who shall fall next to be sent. And as to the Elders that shall be directed to the Assembly by Presbyteries, it is to be understood that the *Rotation* shall not begin with any of those Elders, who have been Members of any of the three preceeding Assemblies, even tho' according to the alphabetical Order of the Parishes it may fall to them to be returned; but the Presbytery shall pass by them, to those who are next in the Order of the Alphabet, either by returning such as are for the present Members of the Presbyteries, or any other Elders in the Parishes, if they are qualified according to the Acts of the Assembly; the Intention of this Part of the Overture being, that Ruling Elders shall not be oftener Members of the Assembly than Ministers are; if this is secured either by an Election or a *Rotation*, the main Thing intended is obtained. And then as to the Commissioners from Burghs, whereas the Overture proposed, that Burghs shall not chuse any one Elder to be their Commissioner,

above two Years without Interruption; nor any that was a Commissioner from a Presbytery, to the immediately preceeding Assembly. After a fuller Consideration of this Matter, I am of Opinion, that the Elders from Burghs should be exactly on the same Footing with the Elders directed from Presbyteries; that is to say, Burghs shall not chuse any Elder to be their Elder, who has been a Member of any of the three preceeding Assemblies, whether from the Presbytery, another Burgh, or their own. This being premised, I proceed to the Arguments for supporting the proposed *Rotation*.

Argument 1st, A *Rotation* seems to agree exactly with the Intention of the Act of Assembly, July 1568, which ordered, "That to prevent a Monopoly, and perpetual Election of a Few certain Ministers and Commissioners, they be changed from Assembly to Assembly." From this Act it is evident that the Persons who were Members of the preceeding Assembly, were not to be sent to the very next, but were to be changed, to make Way for others. And if this was then expedient and reasonable when very few Parishes were provided with Ministers, and some of those who were received into the Ministry, were not much skill'd in Discipline and Government, it must be much more needful now, when the Ministers of the Church are many, and the greater Part of them by far have had a good Time of Experience in these Matters. If the Reason of this Act is attended to and regarded, which was, that a Monopoly of Power in the Hands of certain Ministers and Elders should be prevented, the Change should be made till they go the Round, otherwise the Government of the Church will rest upon some more than upon others, which is contrary to that Parity of Church Officers; which is a chief Characteristick of Presbyterian Government.

2dly, The Agreement that the Assembly anno 1575, *sess.* 12. came to concerning Commissioners of
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Provinces, who had been appointed to plant Kirks with Ministers, and visit them when planted, favours the proposed *Rotation* very much; I shall set it down as I find it in the old Registers. "It appeareth to
 " some of the Brethren, that the long Continuance
 " of Commissioners in their Office, should induce
 " some Ambition and Inconvenience within the
 " Kirk; and therefore was thought a Matter to be
 " consulted in this Assembly, whether it were best
 " that Commissioners of Provinces should be ex-
 " changed from Year to Year from the Countries
 " where they travel to visit. After long reasoning
 " the greatest Part of the Assembly thought best,
 " where Men may be had able to use Commission,
 " that an yearly Exchange should be." This Act I particularly notice, because as long as Persons continued Commissioners for planting and visiting of Kirks, they were constantly Members of the Assembly, as appears from the Marking of the first Session of each Assembly, from the Time that these Commissioners were first appointed, till such Time as they were laid aside. After the same Manner I may argue and reason, That if Ministers shall be constantly, or very often elected Commissioners to the Assembly, this may induce some Ambition and Inconvenience within the Kirk; Why then, as in the former Case, since many fit Persons can be had to be Members of the Assembly, should there not be an yearly Exchange? Thus *mutatis mutandis*, the Reasoning holds: But such an Exchange cannot be secured so well by an Election, as by a Rotation.

3dly, The returning of Ministers, as Commissioners to the Assembly, by a *Rotation*, is no new Thing in this Church. Indeed for some Years after the late happy Revolution, those Ministers, who had been ordained before the Restoration, and survived the Revolution, were frequently elected Commissioners to the Assembly, because of their great Prudence and long Experience, fitting them for acting such a
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wise Part in ecclesiastick Affairs, as might very much recommend the valuable Interests of this Church, to the Countenance and Favour, the Protection and Encouragement of the civil Government: The chusing of these sage and venerable Fathers so often, who had merited so well of the Church, by their Faithfulness and Constancy, their Labours and Sufferings under a long and cruel Persecution, shew'd the high Regard they had for them: For this same Reason, those who were ordain'd before the Year 1662, were by Act of Assembly Anno 1705, declared to be constituent Members of the Commission during Life; for every Presbytery were to have their Representation, according to the Proportion of Ministers, and these old Ministers were Supernumerary. Besides, those that were received into the Ministry quickly after the Revolution, not having much Experience in ecclesiastical Affairs, were but raw Disciplinarians: But being trained up by such able Teachers in the Knowledge of Government and Discipline; so soon as these worthy Pastors dropt off, tho' a yearly Election was made of Members to the Assembly, yet in Effect it was no other than a *Rotation*; that is to say, Presbyteries returned such as were Ministers to the Assembly, as their Commissioners in their due Course and Turns. This prevailed in most Presbyteries thro' the Nation: This is a Fact I am so sure of, that I am confident none will refuse it. Thus it appears, that this Method is no Innovation or unprecedented Thing; Why then may it not be established by a Canon of the Church? And why may not the Overture, with any Amendments that may be made upon it, be turned into a Law? 'Tis true, that little Regard has been had to a *Rotation* in the Presbytery of *Edinburgh*; the Cause of which was, That our Assemblies did for the most Part chuse their Moderators out of the Commissioners from that Presbytery, who having acquitted themselves by officiating and presiding well in the Chair, came to be often elected Moderators in that

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Supreme Court : But this Dignity being appropriated to a few, many came afterwards to be dissatisfied with it ; and now the Generality of Ministers seem to be resolved, that this Honour shall not be so much confined, but shall go very near to a *Rotation* thro' the several Synods ; and this being the Situation and Posture, as to the Moderators of Assemblies, 'tis high Time for that Presbytery to fall in with the proposed *Rotation*.

4thly, The proposed *Rotation* preserves that Parity and Equality of Power among Ministers, which is essential to Presbytery : But by an Election of Members to the Assembly, 'tis in the Power of the Majority of the Electors to overthrow it ; whereas this is impossible by a *Rotation*. All the Ministers of this Church, by reason of this Parity, have an equal Share in the Administration of the Government, and in the Management of ecclesiastical Affairs, both in Presbyteries and Synods, and are necessary and constant Members in both : And since all the Ministers of this Church cannot attend every Assembly ; yet every Minister of a Presbytery has equally a Right, by reason of the said Parity, to be a Representative of the Ministers of his Presbytery ; and none can deprive him of it, without overthrowing this Parity. This is an inherent Right, which cannot be taken from him, but upon an Incapacity for Government. The Electors, if they please, can, by their Votes, keep out some Ministers for ever from any Share of the Administration of the Government of the Church in our General Assemblies, by electing some constantly, or very often, to be Members of the Assembly, by which Means the Power in Church Affairs, by a vast Imparity, is devolved upon some ; nay, this Right that all Ministers equally have to represent their own Presbyteries, is subjected to those who are but delegate Members of the Presbytery, I mean Ruling Elders : And no Kirk-session can delegate any Person, to deprive a Minister of that which is his

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Due and Right ; but on the other Hand, by the proposed *Rotation*, all the Ministers of the several Presbyteries thro' the Kingdom, will come to be returned Members of the General Assembly in the Space of five Years. Thus they being all put upon a Level, Presbyterian Parity will be effectually established with great Decency and Order, and an Episcopal Preheminence and Ambition, who shall be greatest among us, will be happily suppressed and born down. But upon the other Hand, if the Method of returning Commissioners to the Assembly by Election is continued, some may come to be selected and sent to the Assembly for a Dozen of Years and more, without Interruption ; which has often happened : But does not this raise and exalt some Ministers above their Brethren, and advance them to a Power in the Assembly, which many look upon with a jealous and envious Eye ? Does not this breed ill Humours, create Differences and Divisions, to the overthrowing of the Peace and Tranquility of the Church, and that brotherly Love, which is the great Ornament of their Function and Profession.

5thly, As the proposed *Rotation* will exceedingly contribute to the Preservation of Presbyterian Parity among Ministers, so it will uphold that Subordination of Church-judicatories, which is another Essential in the Frame and Constitution of our Church-Government : For when Synods and Presbyteries shall observe, that our Assemblies are regularly constituted, that they are constituted of Ministers, in their due Course and Turn, inferior Judicatories will the more cheerfully submit to their Acts and Decisions : But if they shall observe General Assemblies to be packed by a partial returning of some Members, and an unjust Exclusion of others, who have a Right to be sent ; Will not this incline inferior Judicatories to disregard their Actings and Proceedings, and weaken the Authority of that supreme Court ? For who will judge

judge themselves to be bound to obey a packt Meeting of Ministers.

Lastly, I might argue for this *Rotation*, from the Intention of the triennial Act of Parliament, which required the Election of a new Parliament once in three Years at the most. The great and chief Reason for that Frequency of Election, was that it might make a frequent Change of the Representatives in the House of Commons, by which Means a Stop would be put to one great Source of Discontent amongst the Gentry: For no doubt, Persons of equal Birth, Fortune, Ability and Merit, expect to have their Turn and due Share of the publick Honours, and bear with Grudging to see those, whom they have not been used to think their Superiors, hold the Possession of them many Years together, and themselves excluded from having the Chance for them: Thus, in the Compass of Thirty Years, did the Gentry of a County concert a Change of their Representatives once every Three Years, there would be a tollerable *Rotation* among them. 'Tis true, the triennial Act was some Time ago repealed, and the Septennial was plac'd in its Room: But then, what was the Occasion of this, but the restless Endeavours of our Enemies, the frequent Attempts of Papists and Jacobites, to disturb the publick Peace and Happiness, and to destroy the Protestant Succession, the grand Security of our Religion under GOD? It was this that made it necessary to extend the Continuance of Parliaments for the Space of Seven Years, as is evident from the Preamble to the septennial Act.

I shall conclude this Essay upon the Overture, by removing two Difficulties out of the Way, which some have advanced as Objections against it. It has been often used as a Handle, for diverting Presbyteries from sending Members to the Assembly by a *Rotation*, that this or the other Affair of Importance, and great Moment, is to be taken under the Consideration of the Assembly; and 'tis expedient, that the Assembly be constituted of Members so and so qualified and

disposed, least the Ark of GOD get a wrong Touch. But then, I am much perswaded, that there is more of Pretext, than of Truth and Reality in this; that these are Fears where no Fear is: That this is only a Colouring, to conceal the Views of some designing Men, to have themselves returned Commissioners to the Assembly. When some of old loudly cried out, *The Temple of the Lord, the Temple of the Lord, the Temple of the Lord are these*, the Prophet *Jeremiah* gave them a Check, *Trust not in lying Words*. Thus, when we hear some in our Times distinguishing themselves, by *sounding the Trumpet in Zion*, that the Church is in Danger, there is good Reason to be suspicious of them; nay, I am afraid, that 'tis rather some selfish Interest, than the publick Good of the Church, they are aiming at. Here 'tis pretended *first*, "That the Time may come about, when the Church shall be infected with Heresies, and dangerous Opinions; and that in this Juncture, when there are bold and daring Attempts made against the Purity of Doctrine, and Soundness of the Faith, great Care should be taken, that the Assembly be constituted of the most learned Divines in the Church; and consequently, that in this Case, no Regard should be had to a *Rotation*." To this I reply, That a Process against any Person, for erroneous Doctrine, is so tedious, that the Time allowed by the civil Government, for our Assemblies to sit, is so short, that they cannot overtake a Business of that Nature and Length; and at the same Time, attend to the other Affairs of great and common Concern: Wherefore, the Cause taken by our Assemblies, is to entrust this with a Committee for Purity of Doctrine, to prepare and ripen it *usque ad sententiam*; that the Assembly having a clear and short State of the Points, and sufficient Evidence of the Errors laid before them, may proceed to give their Sentence and Decision. Again, supposing that there were any such erroneous Persons in the Church, and that the Assembly themselves were to make the Trial, I am confident, that even in

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the Method of a *Rotation*, by which the Assembly shall be constituted, equally of old and young Ministers, there will be found such a Number of able Divines, as will be sufficient for putting Order to an Affair of such Moment, and bringing it to a happy Conclusion; otherwise, they deserve not the Post and Station they enjoy in the Church. The Commission of the last Assembly were so much convinced of this, with respect to themselves, that the present Committee for Purity of Doctrine, consists only of such as are Members of the Commission: They would not hear of employing any other Ministers of great Ability and Learning, and saw no Necessity of adjoining to themselves all the Professors of Divinity, as is customary in such Cases. 2dly, 'Tis advanced, " That the proposed *Rotation* may come to be of dangerous Consequence to the Interests of the Church; because, by a *Rotation*, it can be certainly known, a long Time before the Meeting of the Assembly, who the Ministers are that shall be return'd to it. And if it should fall out, that the civil Government shall have evil Designs against the Church, it will be an easier Matter to influence and corrupt those, who are return'd by a *Rotation*, than it will be to work on all the Ministers of the several Presbyteries, who are the Electors." To this I answer, 1st, That this Objection can only affect the Ministers; for tho' a *Rotation* is proposed as to the Elders, from Presbyteries, yet this *Rotation* is only as to the Parishes; there still remains an Election, who shall be the Elders out of these Parishes. And as to the Burghs, tho' 'tis proposed, that no Elder shall be returned from them, who has been a Member of any of the three preceeding Assemblies; yet they can elect any other Elder in their Burghs. 2. Tho' by a *Rotation*, it can be known a long Time before the Meeting of an Assembly, who are to be constituent Members of it, yet the Danger doth not appear to be threatening; for, according to the Way of Election, may it not be easily known, a good Time

before the Sitting of the Assembly, who are to be Members of it, since Presbyteries are required to make the Election Forty Days before it shall meet, otherwise 'tis null? and do not most of the Presbyteries elect Seven or Eight Weeks before the Sitting of the Assembly? Is not this a long Time to practise upon the Members? and yet we have never apprehended that any Evil would follow from this: Were our Assemblies to continue for the Space of Seven Years composed of the same Members, there might be Grounds of Fear: But by a *Rotation*, they are changed from Year to Year; and it being so, it seems to be utterly impracticable to corrupt any of them, so as to endanger the Constitution of the Church. But, 3. What is it that we have to fear from the civil Government? Is it the introducing of Episcopacy among us? This indeed, till the Union of the two Kingdoms, we were in Danger of; but by the Act of Parliament, *January 17. 1707*, the Presbyterian Church Government is established to remain and continue, without any Alteration, in all succeeding Generations. And by Act of Parliament in *England*, Year foresaid, 'tis made a fundamental and essential Condition of the Union. The civil Government is most friendly to us, our most gracious Sovereign King *George* has given us the strongest Assurances of his Royal Favour and Protection. The Bishops in *England* will have no such Designs, as their Predecessors of old had: They know we have the same Security for our Church-Government, that they have for their own; and that if our's is overturn'd, they have no Security for the Preservation of their's: And the temporal Lords cannot be suspected; they think they have Abundance of the spiritual Lords in their House already. In fine, We are in no Danger, but from ourselves; and indeed Independentism seems to be every Day gaining Ground among us, to the Ruin of the Authority of our Church, and the Subordination of her Judicatories.

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APPENDIX,

CONTAINING

A compendious HISTORY of the Constitution of the NATIONAL ASSEMBLIES of the Church of Scotland, from the first Assembly held at Edinburgh 1560, down to our Times: With an Account of the various Methods of returning Commissioners and Deputies to that supreme Ecclesiastical Court.

FROM the Beginning of our Reformation, the Church of Scotland had not General Assemblies, provincial Synods, Presbyteries and Kirk-Sessions, as we now enjoy them. Rome was not built in a Day. It is not to be supposed, that our Reformers, at the first Day-break out of the Night and Darkness of Popery could see all Things concerning the Order, Discipline and Government of the Church; it was much that they brought Matters to such a consistency, as to provide in all Things requisite for their own Times: It not being possible to foresee all future Events, and prescribe Remedies for Inconveniencies, which Time might bring forth; Time itself is the greatest Innovator, and it is certain, that *ex malis moribus bonæ oriuntur leges*. As to the Matters of
ex-

external Order, no humane Models are so absolutely perfect, exact and regular, but they may be improved or altered with Wisdom, Honour and Advantage, upon just Reasons of Policy, and sundry emergent Occasions. We had not a General Assembly till the Year 1560, and in the *first Book of Discipline*, there is no Mention made of Synods; but by that Book the whole Kingdom was divided into Ten Dioceses, *Chap. vi.* and in the present Necessity, at that Time, appointed that a Superintendent should be set over every Diocese, for planting and visiting of Kirks, in the Countries assigned to their Care; and the Assembly gave them a Commission to exercise this Charge. However in the third Assembly, *December 1562, Sess. 4.* it seems, "That some Synods were erected," "for Superintendents were ordain'd to appoint their synodical Conventions twice in the Year, to wit, the Months of *April* and *October*, on such Days in the said Months as the Superintendent shall think good; and that they give sufficient Advertisements to the particular Kirks, that the Minister, with an Elder or Deacon, may repair toward the Place appointed by the Superintendents, at the Days that shall be affixt by them, to consult on the common Affairs of their Diocese." But before the Year 1568 Synods were set up; for by an Act of Assembly in the said Year, it was concluded, that the Members of the General Assembly should be elected at the synodical Convention of the Diocese. And in the Year 1570, the Assembly ordained, "That Offenders shall be convened before the synodical Conventions, and there receive their Injunctions, conform to the Order used before in General Assemblies." But it does not appear from our History, that each of these Dioceses had a Superintendent; if I am right remembred, there were not above five. And the old Register of our Assemblies, *Anno 1568, Sess. 4.* bears, "That there were several Articles agreed to, and appointed to be presented to the
" Lord

" Lord Regent: The sixth was, to advise with my
 " Lord's Regent's Grace and Council, that in the
 " Rouns and Countries where no Superintendents
 " are, there may be Superintendents placed." The
 " Regent's Answer was, " That for so mickle as Su-
 " perintendents cannot be presently appointed, the
 " Kirk must appoint Commissioners for the self same
 " Purpose, as they shall think good to give Com-
 " mission, till the next General Assembly." Pres-
 byteries could not be constitute so soon, because of
 the Rarity of Ministers; yet there were weekly
 Meetings for the Exercise of prophesying held by
 Ministers, and others aiming at the Ministry, from
 the Beginning of the Reformation: For when the
 Question was propounded by the Synod of *Lorkian*
 to the Assembly, *Anno* 1579, anent a general Order
 to be taken for the erecting of Presbyteries, in Places
 where publick Exercise is used, until the Time the
 Policy of the Kirk be established by Law; It was
 answered, *The Exercise may be judged to be a Pres-*
bytery. But afterwards in the Year 1581, King
James VI. sent a Letter to the Assembly, with a
 Platform for erecting of Presbyteries thro' the Na-
 tion; and both were produced by the Lord of Cap-
 rington his Majesty's High Commissioner. In the
 Letter his Majesty strongly asserts the Necessity of
 Presbyteries: *It is impossible, says he, to attain to*
any formal Order, likely to have Continuance to the
Posterity within the whole Realm, til the ancient
Bounds of Dioceses be dissolved, the Parishes where
they ly thick together be united, and where they
are too great and of large Bounds be divided; and
thereafter, Presbyteries or Elderships constituted for
a Dozen of Parishes or therabouts, some more, some
fewer, according to the Commoditie of the Country,
where the Ministry and Elders of these Bounds may
commodiously exercise Discipline, and take Order
with the Affairs of the Kirk, so far as shall be ap-
pointed, before the Cognition be brought to the syno-
dical

lical Assembly. Mr. *Scot's Historical Narration*, P. 24. acquaints us, "That this Letter was ordered to be sent to the Noblemen and Gentlemen, to be considered by them." The Assembly reckoned themselves to be highly favoured by his Majesty's gracious Letter, and returned him their most humble and hearty Thanks. Of this I am informed by Mr. *James Melvil's libellus supplicis ecclesie Scotticane, ad serenissimum Jacobum Primum*, P. 23. *Missi ad te fuerunt, cum tuis ministris legati qui gratias agerent, quo officio delectatus, etati sequente literas per universum Regnum ad Nobiliores, & prudentiores quosque misisti, quibus serio rogabas, ut operum suam tuo nomine cum Ministris conjungentes, Presbyteria singulis locis secundum diagramma constituerent, quod profecto omnium opinione citius, optimorum virorum alacritate, & diligentia commo- laxatum perfectumque est; i. e.* There were sent Deputies with your Majesty's Ministers, who should return you the Thanks of the Church; and your Majesty being pleased with their Duty in this Matter, sent your Commands thro' the whole Kingdom to the more noble and wise, to unite their Endeavours with Ministers, for erecting Presbyteries in such Places mentioned in the Platform, which indeed by the Chearfulness and Care of the Nobles, was beyond the Expectation of all speedily done and accomplished. The Assembly appointed some of the Brethren to consider the said Model of Presbyteries, and having reported their Judgment of it, they were ordered to be erected for exercising the ordinary Jurisdiction and Discipline of the Kirk; and accordingly the Presbytery of *Edinburgh* was erected that very same Year, consisting of fifteen or sixteen Ministers of the Kirks adjacent, within four or five Miles of the Presbytery-seat, and some Barons and Gentlemen Elders out of every Kirk for that Effect; so I am told by the Answer to Mr. *Forbes of Cross*, his *Peaceable Warning*, P. The Author I take to

to Mr. *David Calderwood*. But in other Parts of the Nation, Presbyteries were not for some Time after this so well and so regularly constituted: For in the 1582, I find from the old Register of our Assemblies, *Sess. 2.* That a Presbytery was already begun at *St. Andrews*, of Pastors and Teachers, but not of those who have not the Care of Teaching. *Lastly*, As to Kirk sessions, it was a considerable Time before they could be erected in every Parish. The *second Book of Discipline* was agreed to by the Assembly, anno 1578, and inserted in the Registers of Assembly, anno 1581: But the Composers of that Book, and the Assembly, who agreed to it, declare their Mind about Kirk-sessions, *Chap. 7. Sect. 10.* "When we speak of the Elders of particular Congregations, (say they) we mean not, that every particular Parish-kirk can, or may have their own particular Eldership, especially in Landward: But we think Three or Four, more or fewer particular Kirks, may have a common Eldership to them all, to judge their ecclesiastical Causes; albeit this is meet, that some of the Elders be chosen out of every particular Congregation, to concur with the rest of their Brethren in the common Assemblies, to take up the Delation of Offences within their own Kirks, and bring them to the Assembly: This we gather of the Practice of the primitive Kirks, where Elders or Colleges of *Seniors* were constitute in Cities and famous Places." After this, the Assembly May 1585, made an Order, appointing Sessions at particular Kirks: The Order was, *That every Minister be charged to have a Session of the meetest Men in his Congregation; and that Discipline not only strike on gross Sins, as Whoredom, Bloodshed, &c. but upon all Sins repugnant to the Word of GOD; — And this to be an universal Order throughout the Realm; and such as are negligent herein, after Admonition, to be deposed.* From this Time, *Sess.*

sions were kept up in the several Parishes of the Church to this Day.

This Account I have given of Synods, Presbyteries and Kirk sessions, being convinced it will contribute much to the right understanding of the Constitution of the General Assembly, and the Alterations that have been made upon it from Time to Time.

Our first General Assemblies were general Meetings of all Protestant Ministers within the Kingdom. Mr. Petrie's *Church Hist. Part 3. P. 359*, informs us, *That before the Year 1568, all Ministers that would come to the Assembly had Vote therein.* This was highly reasonable at that Time, Ministers of the reformed Religion being few and rare in Scotland; wherefore a Restraint could not be put upon any of them. The Number of Pastors in the first Assembly was not above Ten or Twelve, as is evident from the old Register of the Acts of Assembly; they did not exceed one Fourth of the Meeting. There were other Persons, to the Number of Thirty, who were Members of this Assembly, some of whom came from particular Kirks: There were Two from *Calder* Counties, Three from *Torphickien*, Two from *Leith*, no Proportion was then observed in the Representation. I will not be positive, that those Thirty were all of them Ruling Elders; for I am perswaded, that at the Beginning of the Reformation, there was a Necessity of assuming some Laymen, to the Assistance of Ministers in the Government of this Church in its Infancy, some of them were eminent Professors of the reformed Religion; yet I have good Reason to think, that some of them were Ruling Elders, for this Assembly was not held till *December 1560*. And in the Month of *August* before that, *Hamilton*, Archbishop of *St. Andrews*, writes to the Archbishop of *Glasgow*, dated *August 18. anno 1560*, in these Words, *The Elders callit* (i. e. those who are called Elders) *of every Town, take all Causes of our Ecclesiastical*
Juris.

Jurisdiction, and intromit with all our Office, which you must look to.

After this Assembly was held, we had not Synods or Presbyteries for some Time erected; and consequently, in some succeeding Assemblies, the constituent Members had not any formal Commission from the Kirk, to act, vote, and judge in their Meetings; But there were Superintendents and Commissioners of Provinces appointed to plant and visit Kirks, who were constant Members of the Assembly, till they were laid aside, and till it was declared, that it was no more expedient and necessary to have them. And as to all other Ministers, and other Persons Members of the Assembly, there were Regulations variously made at different Times concerning them; But 'tis most likely, that our Assemblies were formed and constituted according to the Model of the Parliament of Scotland, which consisted of Members out of all Estates in the Kingdom, the Nobility, Barons to represent the Shires, Burgeses to represent the Burghs, and the Clergy. I find, that this Observation, long ago was made by the eminently pious and learned Mr. George Gillespie, in his Assertion of the Government of the Church of Scotland, P. 100; 4th Edit. *Some of all Estates in the Commonwealth (says he) voice in Parliament; therefore some of all Sorts in the Church ought to voice in Councils and Synods; for de paribus idem est judicium; a national Synod, is that same to the Church, which a Parliament is to the Commonwealth.* This Conduct was not only political, but necessary for preserving the Work they had begun, and carrying it on to a greater Perfection. The Assembly June 1567, appointed Missives to be writ to all and sundry Earls, Lords, Barons, and other Brethren, requiring them to convene the 20th of July thereafter, for setting forward of such Things as shall then be proponed and ordained. In the said Letter, we are told, *That they had ordain'd a General Assembly of the haill Professors, of (N. B.) all Estates*
F 2
and

and Degrees within the Kirks of Scotland, to be held within this Town of Edinburgh upon the 20th Day of this next Month of July, whereby an perpetual Order may be taken for the Liberty of the Kirk of GOD, Sustentation of the Ministers, &c. And this was not peculiar to this Assembly, but other Assemblies were constituted of all Estates in the Nation: As is evident from a Letter of the Assembly, March, anno 1573, to the Lord Regent, and Lords of the Privy-council; wherein they say, 'Tis known to your Grace; and since GOD has blessed this Country with the Light of the Evangel, the haill Kirk most godly appointed, and the same by Act of Parliament authorised, that two godly Assemblies of the haill Kirk of this Realm, should be every ilk Year, as well as of all the Members thereof, and (N. B.) of all Estates, as of the Ministers.

This general Proposition, that our national Assemblies were constituted early, and for some Time, of Persons out of all Estates within the Kingdom; I shall branch out into several particular Assertions, and shew upon each of these, how our Assemblies were constituted of the several Sorts of Persons therein-mentioned.

And first, Our Assemblies were constituted of the Representatives of the Ministers of the Church: For tho' from the first Assembly anno 1560, to the Assembly anno 1583, all Ministers that would come to it had Right, and were allowed to vote; yet during this Period, Superintendents were constant Members. For it was ordained by the Assembly at St. Johnston, July 1562, Sess 12. *That every Superintendent convene the first Day appointed for the Assembly, under the Pain of Forty Shillings, to be distributed to the Poor, without Remission thereof.* But besides, as I have already noticed, there were also Commissioners of Provinces for planting of Kirks appointed, Anno 1568, since there was not a Superintendent for every Shire: Now both Superintendents and Commissioners were

were perpetual and ordinary Members of the Assembly, from the Time they were first instituted, till they were laid aside; they were marked in the Sederunt before other Ministers, and first called upon in the Roll, and needed not any Commission to come to the Assembly: But all other Ministers were mutable Members; for by the Act Anno 1568, they were to be changed from Assembly to Assembly, and by this Act were to be elected in the Synodical Meeting, and to bring a Commission with them. And this Order continued till Presbyteries were fully erected thro' the Nation, and then the Ministers, who were sent to the Assembly, were elected by their respective Presbyteries: But the precise Number was not fix'd or determined till the Assembly at *Dundee, Anno 1597, Sess. ult.* The Register bears, "That because
 " there has been no Order set down hitherto, anent
 " (N. B.) the Number of Commissioners to be directed from every Presbytery to the Assembly; therefore 'tis statuted and ordained, That in all Time
 " coming, Three of the wisest and gravest of the Brethren shall be directed from every Presbytery at
 " the most, as Commissioners to every General Assembly; and that none presume to come without
 " Commission, except they have a special Complaint: And that the Clerk of the Assembly take heed to
 " receive no more in Commission but Three allenarly, as said is." This Regulation, as to the Number, came afterwards to be altered, Anno 1694, the Occasion of which was a Recommendation of the Parliament, Anno 1693, they observing a manifest Inequality, that the least Presbytery in the Church had the Privilege of sending Three Ministers to the Assembly, as well as the greatest; therefore June 12th, Act 22d, intituled, *Act for settling the Peace and Quiet of the Church*, they recommended it to the next Assembly to redress this. The Clause of the Act is, *And to the Effect the Representation of this Church, in its General Assemblies, may be the more equal*

equal in all Time coming, Recommends it to the first Assembly that shall be called, to appoint Ministers to be sent as Commissioners from every Presbytery, not in equal Numbers, which is manifestly unequal, where Presbyteries are so, but in a due Proportion to the Churches and Parishes, within every Presbytery, as they shall judge convenient. And accordingly the Assembly, Anno 1694, from a Regard to a parliamentary Recommendation, Act 5th, ordained,
" That the Representation in this national Church
" shall hold Proportion to the Number of Parishes,
" whether vacant or planted within each Presbytery,
" in Manner following. All Presbyteries consisting of
" Twelve Parishes, or under that Number, shall send
" two Ministers, and one Ruling Elder: And all
" Presbyteries consisting of Eighteen Ministers, or un-
" der that Number, but above Twelve, shall send
" Three Ministers and one Ruling Elder. And all
" Presbyteries consisting of Twenty four Parishes, or
" under that Number, but above Eighteen, shall send
" Four Ministers, and Two Ruling Elders. And
" lastly, All Presbyteries consisting of above Twenty
" four Parishes, shall send Five Ministers, and Two
" Ruling Elders. And every collegiate Church,
" where there use to be Two or more Ministers, are
" so far as concerns the Design of this Act, understood
" to be as many distinct Parishes; so that Presbyteries
" delegate not less than a sixth Part, nor more than
" a fifth Part of the Ministry."

2d Assertion, The Nobility, who professed the reformed Religion, seem to have been constant Members of the Assembly for some Years. It appears to me, that whenever they had a Mind to be present, or were desired, or write to, to come to the Assembly, they had the Privilege, or were allowed to vote in Causes brought before the Assembly. In the Assembly December, Anno 1561, the Protestant Nobility were desired to concur with that Assembly; but we are told, they refused to assemble with the rest of
their

their Brethren. Our Historians, Mr. *Knox*, *Folio Edit.* at *Edinburgh*, Anno 1732, p. 294, 295. Mr. *Calderwood's Church History*, p. 30. 31. And Mr. *Petrie's Church-History*, Part 3d, p. 230. 231, give us a full Relation of this Matter with great Harmony: But I shall set it down as Mr. *Petrie* relates it.

" In *December* the Superintendents and Ministers do
 " convene unto the national Assembly, as it was
 " appointed, and the Nobility will not convene.
 " Some Ministers were sent unto them: Some
 " of them made one Excuse, some another; and
 " some call it in Doubt, whether it be expedient
 " to hold such Assemblies: For gladly would
 " the Queen and the secret Council had all As-
 " semblies discharged. The one Party say, 'Tis
 " suspicious to Princes to keep Conventions without
 " their Knowledge. It was answered, Without the
 " Knowledge of the Prince, the Church does nothing;
 " for she perfectly understands, that there is a refor-
 " med Religion in the Realm, and that they have
 " their appointed Times of meeting: Yea saith *Le-*
 " *thington*) the Queen knows that well enough. But
 " the Question is, Whether she allows such Con-
 " ventions? It was answered, If the Liberty of the
 " Church shall stand upon the Queen's Allowance, or
 " Disallowance, we are sure not only to be deprived
 " of Assemblies, but of the publick Preaching of the
 " Gospel.—The most Part of the Nobility and
 " Barons consent hereunto; and conclude, That the
 " Reasoners for the Queen shall shew unto her Ma-
 " jesty, that if she was suspicious of any Thing hand-
 " led in the Assemblies, it would please her Majesty
 " to send, whom she would appoint, to hear what was
 " proposed and reasoned " In the Assemblies, *De-*
cember 1563, *December* 1564, and *June* 1566, the
 Lords of privy Council assembled with the Ministers,
 and the other Commissioners, Members of these As-
 semblies. In the Assembly *June* 1567, there were
 present the Earls, Lords, Barons, Superintendents,
 and Commissioners from Towns, for so the first Ses-
 sion

tion of that Assembly is marked in the Register
 and in that Meeting, "appointed the Lairds of *Dum*
 " and *Bargany* to pass to the Lords of secret Council,
 " and to request their Lordships (N. B.) to convene,
 " and concur with the Kirk presently assembled, for
 " heading of such Articles, as shall be thought good,
 " for establishing GOD's Word, the true Religion,
 " and supporting all the Ministry in this Realm."
 In the second Session, they appointed the Assembly
 to meet again on the 26th of *July*, and ordained Mis-
 sives to be writ to all and sundry Earls, Lords, Ba-
 rons, and other Brethren, to convene the said Day.
 The Register mentions the following Persons, to
 whom the said Missives were to be sent. Of Earls,
Huntly, Argyle, Cassils, Rothes, Crawford, Monteith,
Glencairn. Of Lords, *Bold, Drummond, Sanchar,*
Heres, Catcart, Tester. Master of *Graham, Fleming,*
Livingston, Forbes, Salton, Glames, Ogilvie; Master
 of *Sinclair, Gray, Oliphant, Methven, Innermeth;* Ma-
 ster of *Somervell.* Barons, *Lochinvar, Gairless.* Sheriff
 of *Air, Glenurquhar, Boniton.* Commendators, *Ar-*
broth, Kilwinning, Dumfermling, St. Colms, New-
bottle, Holy rood-house. In the said Letter, after ac-
 quainting them with the Design of the Meeting, they
 say, *We thought it our Duty, in Name of our hail*
Brethren here convened, to notify to your Lordship,
the foresaid Appointment of the said Assembly; and
in the Name of the Eternal GOD; to recommend to
your Care and Solitude, the building of this rui-
nous House of GOD within this Realm. Requiring
also in his Name, that ye will give (N. B.) your per-
sonal Presence, your Labours and Concurrence to
that Effect in the foresaid Assembly, &c. And when
 this Assembly met in *July*, there were of the Nobles
 and Barons to the Number of Sixty, besides Sixteen
 Commissioners of Towns, as appears by their subscrib-
 ing the Articles agreed to in that Assembly. This
 will further appear from the Letter wrote *March 6th,*
Anno 1573, to the Lord Regent, and Lords of Privy
 Council.

Counsell. *The whilk Assemblies (say they) every Year, have since the first Ordinance, continually been kept in such Sort, that (N. B.) the most noble, and of the highest Estates, have join'd themselves, by their own Presence, in the Assemblies, as Members of one Body, concurring, (N. B.) voting, and authorizing all Things, there Proceeding with their Brethren—And therefore, as ye esteem yourselves to be Members of Christ, and of his Kirk, shew the Fruits thereof; of the whilk, 'tis not the least, to join yourselves, not only by hearing the Word and receiving the Sacraments, but also in conveneing with your Brethren (N. B.) in the holy Assemblies; the whilk to do, we give you Admonition in the Name of the Lord, extending this Admonition to (N. B.) every Person of whatsoever Estate, that are present with your Grace. From this Letter, 'tis plain, that the Nobles were to act in that Assembly as constituent Members, and likewise that they had acted in that Capacity in preceeding Assemblies. In Six or Seven succeeding Assemblies, the Nobles are marked present as constituent Members: In the first Session of these Assemblies, they are set down, sometimes under the general Title of the Nobility, at other Times, under the Titles of *Earls and Lords*, and at the same Time are distinguished from the Commissioners of Shires and Burghs. Our Assemblies were wisely conducted in this Management: For, as the Reformation met with great Opposition from the rascal Multitude, and these that were superstitious; so it did very frequently from the Court, the Popish Lords and Bishops, nay, even from those who professed the reformed Religion, and retained the Title of Bishops. The Difficulties they had to encounter with, were so many, and the Opposition so strong, that if God had not in his great Mercy and Kindness to this Nation, inclined the Hearts of the Lords of the Congregation at first to be friendly to that Cause, and to espouse it, and many of the Nobility after-*

wards to favour it with their Lives and Fortunes; it is more than probable the Reformation would not have advanced to so great a Height and Pitch as it did arrive at. The Protestant Nobility were a heavy Weight upon the Enemies of the Reformation; and of this our pious and worthy Reformers were so sensible, that they in their great Wisdom and Prudence took Care to have them as oft Members of the Assembly as they could. But tho' this obtained for a considerable Time, yet an Alteration was made by the Assembly, *anno* 1578, which Assembly voted and approved the *second Book of Discipline*. Now, in the 7th Chap. of that Book, *Parag.* 21st, according to the Edition printed at *Edinburgh*, *anno* 1722; but the 30th, according to *Spotswood's Church-History*, P. 296, who divides the larger Paragraphs into some lesser ones; It is there determined, "That none are subject to repair to this Assembly to vote, but ecclesiastical Persons, to such a Number as shall be thought good by the same Assembly." Now *Spotswood* acquaints us, "That the Estates having no Leisure that Year to peruse the Book of *Policy*, gave a Commission to diverse of their Number to meet and confer with the Commissioners of the Church, and if they did agree, to insert the same among the Acts of Parliament." Now, *this Book of Policy*, he says, he sets down, as it was presented with the Notes of their Agreement and Disagreement, as they stand in the Original, *which*, says he, *I have by me*, P. 389. Now the Note in the Margin, with respect to the 30th Paragraph, is no more than this, that it was passed over; and the Reason, as it appears to me, was, that the said Meeting had given their Opinion already upon that Head, in their Note upon the 4th Article of the 7th Chap. where it is said, *Every Assembly hath power to appoint the Diet, Time and Place for another*: The Marginal Note upon this is in these Words, *General Assemblies once yearly; his Majesty's Authority being*

ing interposed, and from the General Assembly, Noblemen, and such as please to come, shall not be excluded, providing (N.B.) that fifteen only with his Majesty's Commissioner, have Voice therein. But whether his Majesty, or the Nobility themselves were to have the Nomination may be a Question; but to me it seems most probable, that the Nobility themselves were to chuse the fifteen, because afterwards, when in the Year 1608, the King had directed above forty Noblemen and Gentlemen to be sent to the Assembly at *Linlithgow*, which met on the last Tuesday of July, Mr. *Calderwood*, *Church History*, p. 589, acquaints us, "That sundry of the Ministers put Mr. *Patrick Gallaway* (for he moderated till a new Moderator was chosen) in Remembrance, that only three Commissioners were granted to his Majesty by the Acts of the Assembly: Tho' the second Book of Discipline, and the Assembly approving, made the foresaid Determination;" yet this was not observed by the Assembly, *October* 1581, for I find, by marking of the first Session of that Assembly in the Register, that the Nobility sent Commissioners to that Assembly; the Words are, *There were convened Commissioners from the King, and Commissioners of Earls, Bothwell, &c. Barons in great Number, and Ministers.* But the General Assembly in the Year 1694, by an Act confirmed the above Determination of the second Book of Discipline: For in the Act, enlarging the Representation of Presbyteries in the Assembly, they ordained, "That no Persons shall be admitted Members of Assemblies, but such as are either Ministers or Ruling Elders." Thus having laid before my Readers, what I have met with concerning the Constitution of the General Assembly, anxiously with respect to the Nobility. I shall proceed to my 3d Assertion, which is, That as the Parliament of Scotland were made up of Barons, who were the Representatives of the Counties or Shires; so our Na-

tional Assemblies were constituted of Barons, who were the Representatives of the Shires. At first, they were elected in the Meeting of the Head Court of the Shire: So we are informed by Mr. *Perrie, Church History, Parr. III. P. 359*; and the old Register bears, "That they were advertised by the Superintendent." For the Assembly held at *St. Johnston, Anno 1563, Sess. 4th*, ordain'd, "That every Superintendent cause warn the (*N. B.*) Shires, Towns and " Parish Kirks, to send their Commissioners to the " Assembly in Time coming, declaring to them the " Time and Place." Tho' Shires were not restricted to any certain Number of Representatives, for a great many Assemblies; in the first Session of the Assembly, *December 1563*, they are marked thus, *Commissioners of Barons*, because at this Time the Barons did chuse them; In the Assembly, *June 1564*, they are stiled *Commissioners of Provinces*; In the Assembly, *December 1564*, and Assembly, *June 1565*, and Assembly, *December 1566*, they are called *Commissioners of Shires*; In Assembly, *June 1566*, and Assembly, *June 1567*, they are called *Barons*; In the Assembly, *July 1568*, the Manner of their Election was altered; for, as they had been formerly chosen in the Head-Court of the Shire, that Assembly made a Regulation for electing them at the synodal Convention. The Register bears, "That it was unanimously " voted and concluded, that Ministers and Commissioners (*N. B.*) from Shires, shall be chosen at the " synodal Convention of the Diocese, by the Consent of the Ministers, and (*N. B.*) of the Gentlemen that shall convene at the said synodal Convention." It appears from this Act, that even at this Time the Gentlemen of the Shire were continued Electors of their Representatives, tho' the Place of Election was altered by it; and it seems to be as plain from it, that it was not necessary that the Gentlemen Electors should be Elders, for it says, "That the Commissioners of Shires shall be chosen by the

" the Gentlemen that shall convene at the said synodal
 " Convention;" fairly insinuating, that any Gentleman
 of the Shire, that came to the Meeting, was admitted
 to give his Vote. But if any shall contend, that those
 Gentlemen were Elders; then it must be yielded to
 me, that no other Elders were admitted to vote in
 the Election of the Representatives, but such El-
 ders as were Gentlemen, having Estates in the Shire.
 But of late, Farmers, Merchants, and the like, are
 admitted to vote in the Election of the Represen-
 tatives of the Shire; and forsooth they chuse some
 of their own Order, and are taught to grasp at Power,
 and will be Governors in this supreme Court. In
 the Assemblies, from the Year 1568, down to the
 Year 1580, which were many, it being the Practice
 to have two Assemblies every Year; and in the first
 Session of these Assemblies, the Clerk takes Care,
 except in Two or Three, to mark down the Barons,
 or the Commissioners of Shires, as constituent Mem-
 bers. The Assembly, Anno 1581, gave their Or-
 ders for erecting Presbyteries thro' the Nation, ac-
 cording to the King's Plan, and from this Time
 down to the Year 1597, it seems to have been de-
 bated, whether the Synods or the Presbyteries should
 be the Electors, or that the Practice was not uniform;
 and accordingly in the Register of the Assemblies
 for these Years, the most frequent Way of the mark-
 ing the first Session is, there were present the Com-
 missioners, or the Commissioners and the Brethren.
 And further, to make this more clear; I observe,
 that one of the Fifty five Questions proposed by
 King James VI. the last of February, Anno 1596,
 and after the new Calculation, Anno 1597, to be re-
 solved by the Convention of Estates, and General
 Assembly to be holden at Perth, was, *Quest.* 27th,
 " Who should chuse the Commissioners to come from
 " (N. B.) each Shire to vote in the General Af-
 " sembly?" Mr. Calderwood, *Church History*, p. 386,
 informs us, " That the Answer given by the Mini-
 " sters

"*sters of Fife* was, *The Provincial Synods*." Mr. Calderwood has preserved the Answers given by another, whom he calls a *Judicious Brother*: And, p. 391, the Answer of that Brother was, "The Presbyteries of the Shires *respective*." The Assembly at Dundee, May 1597, determined this Question according to the Answer of the *Judicious Brother* fore said. In the last Session of that Assembly, the Election of Commissioners to represent Shires was taken from the Synods, and placed in the Presbyteries; for by this Time they were fully and regularly erected thro' the Nation: They ordained, "That one Commissioner be directed from every Presbytery in Name (*N. B.*) of the Barons." In the Year 1610, there was an Assembly held at Glasgow, but an unlawful one: An Assembly that was condemned by another Assembly at Glasgow, Anno 1638, because it was not free. This is explained to us by Mr. Calderwood, *Church History*, p. 643, "Whereas (says he) the General Assembly ought not only to consist of Ministers, but also of (*N. B.*) Barons and Commissioners from Burghs freely chosen, and a general Intimation should be made for that Effect, that all that have Interest, Appellants, Supplicants and Complainers may be lawfully forewarned; this Assembly was intimate only by Missives, to such Ministers and Barons as it pleased the King, with the Advice of the Bishops, to call to that Meeting." We have the same Reasoning brought for condemning the Assembly held at Perth, Anno 1618, in a famous Treatise published the Year following, with this Title; *The Perth Assembly*, wherein the learned Author proves unanswerably the Nullity of that Assembly, and the Unlawfulness of the Five Articles they had established; and among the many Proofs he gives of the Nullity of, it he advanceth one, from which it appears, that Shires were to have their Commissioners in the Assembly, and that they must be represented by Barons, chosen according

according to the Acts of the Assembly. *P. 13.* he says:
 " That at *Edinburgh* it was ordained, *July 1560.*
 " that Barons should be chosen Commissioners in
 " synodal Assemblies: At *Dundee*, *March 1597.*
 " After the full Establishment of Presbyteries, it
 " was appointed in Presence of his Majesty, that
 " (*N. B.*) Barons should be chosen Commissioners
 " with Consent of Presbyteries, and that one (*N. B.*)
 " Baron should be directed out of the Bounds of a
 " Presbytery; nevertheless in this Assembly, the
 " Noblemen and Barons had Commission, neither
 " according to the old Acts, nor the new." I descend
 to the Year 1638, when there was the Prospect of a
 free and lawful General Assembly, whereof the
 Church had been deprived for the Space of Twenty
 six Years. Before the Meeting of the Assembly at
Glasgow, in the said Year, the green Tables, which
 consisted of many well affected Noblemen and Gentle-
 men, with a great Number of the most eminent and
 best qualified Ministers of the Church, who mightily
 and zealously endeavoured to bring about our second
 Reformation; a Reformation from Episcopacy, the
 Book of Canons, the Service Book, the Five Ar-
 ticles of *Pertb*, and the High Commission Court;
 who likewise laboured to have the other Grievances
 redressed, under which the Church had been groan-
 ing for a long Time: These worthy Patriots, both
 of Church and State, agree to a Directory to be ob-
 served by Presbyteries, in chusing of Members to that
 Assembly, because they had been out of Use for
 many Years, to have General Assemblies rightly
 constitute, they sent to them their best Informations
 and Caveats. That Directory consisted of Eight
 Articles, and the Third Article proceeds on the
 Footing of the Act of Assembly, *Anno 1597.* It
 was, " That every Church Session send one (*N. B.*)
 " of the most qualified Elders, the Day of chusing
 " Commissioners to the General Assembly, that by
 " common Consent of the Ministers, and these El-
 " ders

" ders present in the Presbytery, there may be chosen
 " both the Commissioners for the Ministers, and
 " also some well affected and qualified (*N. B.*)
 " Nobleman, or special Gentleman, being an Elder
 " of some particular Church-Session within that
 " Presbytery, in Name (*N. B.*) of the Barons; for
 " this is the Constitution of the Presbyteries (other-
 " wise called Elderships) appointed by the Church
 " in the Books of Discipline, and Acts of the Gene-
 " ral Assembly, practised for many Years after the
 " Reformation, and ratified in the Parliament, the
 " 12th Parliament of King *James VI.* and never
 " since altered nor rescinded; neither can be with
 " Reason altered, seeing that same is the Constitu-
 " tion of the supreme and General Assemblies, and
 " of the Inferior and Church-Sessions." This is a
 full and satisfying Account of the Constitution of Ge-
 neral Assemblies, as to Elders returned by Presby-
 teries. I have just now lying before me the Roll of
 all the Members of the Assembly, *Anno 1638*,
 which the Assembly, *Anno 1639* took Care to have
 printed, with the Answer to the Declinator, and Pro-
 testation of the Bishops, against the Assembly at
Glasgow; and at the End of the printed Roll we
 have these Words, *Revised according to the Ordi-
 nance of the General Assembly, by me Mr. A. John-
 ston Clerk thereto, Edinburgh February 12th, 1639.*
 According to this Roll, there were Commissioners
 sent from no less than Fifty three Presbyteries; the
 Elders they sent, consisted of Noblemen, Knights,
 and other special Gentlemen. There were of the
 Nobility Sixteen, *vis.* according to the Order of the
 Roll of that Assembly, *James Earl of Home, John
 Lord Cranston, John Lord Hay of Tesser, William
 Earl of Lothian, John Lord of Balmerino, James
 Lord Johnston, John Earl of Cassils, John Lord
 Loudon, the Earl of Eglington, John Lord Sinclair,
 John Lord Lindsay. John Earl of Rothes, Robert
 Lord Burley, James Earl of Montrose, John Earl*

of *Weemes*, and *James Lord Couper*. There were Nine Knights, viz. *Sir David Hume* of *Wedderburn*, *Sir William Douglas* of *Cavers*, *Sir John Ker* of *Cavers*, *Sir Patrick Hepburn* of *Waughton*, *Sir William Murray* of *Toughadame*, *Sir William Baillie* of *Lamington*, *Sir George Stirling* of *Kier*, *Sir Gilbert Ramsay* of *Balmain*, and *Sir John MacKenzie* of *Tarbet*. And of special Gentlemen of the best Fortunes and Estates, there were Twenty four, *Andrew Ker* of *Linton*, *George Dundas* of that ilk, *James Douglas* of *Mousel*, *William Fergusson* of *Craigdaroch*, *John Charteris* younger of *Ampsfield*, *Alexander Gordon* of *Earlston*, *Andrew Agnew* of *Lochnaw*, *Robert Adair* of *Kinbair*, *Archibald Campbell* of *Kilmun*, *Walter MacAnlay* of *Ardincaple*, *John Brisbane* of *Biskoptoun*, *William Baillie* of *Carphin*, *Mungo Campbell* Fiar of *Lawers*, *David Graham* of *Fentrie*, *James Lyon* of *Aldbar*, *James Skeen* of that ilk, *Alexander Fraser* of *Pillorth*, *Mr. Michael Elphinston* of *Balabeg*, *Walter Barclay* of *Towie*, *William Ross* of *Clava*, *James Fraser* of *Bray*, *John Monro* of *Lum-lair*, *George Gordon* Brother to the Earl of *Sutherland*, and *John Murray* of *Penland*. There was not one Farmer, Mechanick, or any of the meaner Sort sent from Presbyteries to this Assembly. This is a Demonstration, that the Barrons and Shires were represented in the Assembly: Now, that Assembly being constituted of the most considerable of the Nobility and Gentry, gave a great Weight to that Reformation they had established; and effectually discouraged many and powerful Opposers it had; so that they were not able to overturn it: But the Ruin of that Establishment was much owing to ourselves, I mean, the unhappy Differences between the Preceptors and publick Resolutioners.

When Presbyteries did chuse the Elders, that were to be directed to the Assembly, it was customary to make a Lect of Persons of the best Rank. Of this I

shall give some Instances, from which my Assertion will receive a further Confirmation. When the Presbytery of *Peebles* convened for chusing their Commissioners to the Assembly, *Anno 1638*, they put upon the Leet the following Gentlemen, *Blacklarrys*, *Poffo*, and Sir *David Murray* of *Stanhope*: And the Laird of *Poffo* was chosen (*N. B.*) for the Gentry; so it is in the Register of that Presbytery, *October 1. 1638*. But this was not peculiar to this Presbytery; for the Presbytery of *Haddington*, *June 30. Anno 1641*, made a Leet of Three, the Lord *Maitland*, the Lord *Tester*, and the Laird of *Congleton*. In *June 29. 1642*, the Earl of *Lauderdale*, the Lord *Maitland*, and the Laird of *Preston* were put on the Leet: And in *December 1643*, the Earl of *Lauderdale*, Lord *Elbank*, and the Laird of *Preston* grange were put on the Leet. These Instances are sufficient for instructing the above Alledgance.

But as the Elders directed from Presbyteries to our Assemblies were Noblemen, or some special Gentlemen, so those Elders that joined with Ministers in their Election were of the same Rank. 'Tis true, that the Tables in the above cited Directory, call them the most qualified Elders. But I have Ground sufficient to explain this Phrase of the Noblemen and Gentlemen Elders; for the Bishops, in their Declinature of the Assembly 1638, alledged, as a Ground of it, "That the Ministers associated to themselves a Ruling Elder out of every Parish to the Presbytery, who being Lord of the Parish, or Man of greatest Authority in the Bounds, doth over rule them by their Authority." But this Alledgance is all a Pretence; the Truth is that that which touched the Bishops in a most sensible Manner, and in a very tender Part, was the Nobility and Gentry, their vigorous and firm pushing for a Reformation, a Redress of the Church's Grievances, and a Freedom from the Yoke of Prelacy. They would not have been much afraid of a General Assembly, had the Elders been of the meaner

meaner Sort; but when the most considerable of the Nobility and Gentry were constituent Members of that Assembly, this filled them with such Dread and Terror of their Overthrow, that this was what they complained chiefly of. To this I add the Reply made in the Answer to the Declinature of the Bishops, p. 23. "It were absurd, to see the Nobility and Gentry best skilled for Government set aside, and the (N. B.) meaner Sort, not so well educated and able, to rule over them. — 'Tis a needless Fear, that they will over rule the Presbytery by their Authority, Ministers moderating the Meeting, and going before them in Reasoning and Voting." I find from the Register of the foresaid Presbytery of Peebles, October 1. 1638, that there were present the following Elders of the Nobility and Gentry, the Earl of Traquair, the Lord Yester, Sir David Murray of Stanhope, Blackbarony, Pogo, Glenkirk, Cardonie: But the Register gives not an Account who were the other Elders at that Meeting. If it shall be again alledged, "That this was an extraordinary Occasion, and that therefore a special Care was taken, to have Persons of the best Rank Members of Presbyteries, and of that General Assembly." I answer first, That it was not peculiar to the Assembly, Anno 1638, to be constituted of Elders of such high Rank; the Assemblies succeeding this, till the Year 1649, were constituted after the same Manner. Of this our Enemies greatly complained, as a dead Weight and a heavy Load upon them: There was nothing more gravaminous to the Bishops than this. Bishop Maxwell, the Author of the *Burden of Isachar*, or the *tyrannical Power and Practices of the presbyterial Government in Scotland*, printed Anno 1646, complained, That even then the Assembly was constituted just as the Assembly 1638. For he says in p. 48. of that Libel, "The General Assembly hath in it now the prime Noblemen of the Kingdom, Dukes, Marquisses, Earls, Lords, the most active and

" knowing Knights of Countries and Esquires, and
 " the wise Citizens and Corporations, and these in the
 " Capacity of Ruling Elders. 2dly, It was not pecu-
 " liar to that Juncture; for Presbyteries to have Ruling
 " Elders of the best Rank Members of this Court,
 " when they were to chuse Commissioners to the As-
 " sembly, Anno 1638; but it seems to have been con-
 " stituted of such Elders, from the Time that Presby-
 " teries were first erected. The Author of the Answer
 " to Mr. Forbes of Crose his *peaceable Warning*, p.
 " acquaints us, " That the Presbytery of *Edinburgh*
 " was erected Anno 1581, consisting of Fifteen or
 " Sixteen Ministers of the adjacent Kirks, within
 " Four or Five Miles of the Presbytery Seat, and
 " some Barons and Gentlemen out of every Kirk for
 " that Effect." The Author of *the Order and Go-*
 " *vernment of the Church of Scotland*, printed Anno
 " 1641, who is supposed to be Mr. *Alexander Hender-*
 " *sen*, p. 46. shows how Presbyteries were then consti-
 " tuted, when he relates, " That beside the Minister
 " or the Ministers of the Congregation, who are sup-
 " posed to be perpetual Members of the Presbytery,
 " some of (N. B.) special Note, chosen out of the
 " Elders, and by them; who receiving from them
 " Commission, may represent the Whole." In the
 " Year 1649, Doctor *Bramhall* Bishop of *Londonderry*,
 " published in *Holland* a seditious Pamphlet, entituled,
 " *A fair Warning against the Scots Discipline*. But
 " as soon as this Pamphlet came abroad, Mr. *Robert*
 " *Baillie*, who was then one of the Commissioners at-
 " tending the King at the *Hague*, printed his *Review*
 " of it: And in p. 50. shews, that at that Time the El-
 " ders sent to Presbyteries, were Persons of the best
 " Rank. He says, " The classical Presbytery does con-
 " sist ordinarily of Fifteen Ministers at least, and Fif-
 " teen of (N. B.) the most qualified Noblemen,
 " Gentlemen, and Burgessees, which the Circuit of
 " Fifteen Parishes can afford." I am far from main-
 " taining, that the Elders in Country Parishes were all
 " Gentle-

Gentlemen; but I will adventure to assert, That the Elders sent to Presbyteries and Synods were always Gentlemen, where they could be had. The 17th *Question*, of the Fifty five proposed by King James, was this, "Should not the Elders and Deacons of each particular Session have Vote in the Presbyteries, or the Pastors only?" Mr. *Calderwood*, *Church History*, p. 389, sets down the Answer of some Ministers of *Fife*, which was, "The Elders also, having Commission from their Session, in Matters (N.B.) of Ministers;" where they restrict their Votes to the censuring of scandalous Persons. And p. 351, he sets down the Answer of another judicious Brother, which was, "The Pastors only; for (*says he*) the Elders voting passeth not out of their own particular Sessions." But I am much inclined to understand both these Answers, of Country Elders, who have not Education fitting them for acting a Part in Presbyteries and Synods; and it is evident and certain, from the above Accounts, that Presbyteries did consist of Elders that were Noblemen, or Gentlemen, or Burgeses, who are all supposed to be better qualified. I already observed from the Answer to the Declinature of the Bishops, that it is there said, That it were absurd to see the meaner Sort, who are not well educated, or able for Government, rule over the Nobility and Gentry. It is undeniable, that the Generality of Country Elders know little, very little of the difficult Points of Discipline, of the Affairs of Church-Government, and of the controverted Points of Doctrine which are treated upon in Presbyteries and Synods. We may assure ourselves, that a Government managed by unskilful and ignorant Rulers, will soon come into Contempt, and be disregarded.

I must now pass over a good Number of Years, wherein we had no General Assemblies, from the Year 1649, we had not, till after the late happy Revolution. And here I am able as clearly to demonstrate, that the Elders returned from Presbyteries to the

the Assemblies, were such as represented the Barons. I have consulted the Registers of the Assemblies, *Anno* 1690 and 1692 ; and I find, that in the Assembly 1690, the Elders who were directed from Presbyteries, many of which were then united, because of the Rarity of Ministers were Persons of Rank. There were Two of the Nobility, the Earl of *Crawford* and the Earl of *Sutherland*, Two Senators of the College of Justice, Lord *Aberuehil* and Lord *Halcraft*; Eight Knights, Sir *Alexander Cockburn* of *Langton*, Sir *John Riddell* of that Ilk, Sir *Archibald Murray* of *Blackbarony*, Sir *Andrew Agnew* of *Lochnaw*, Sir *Thomas Stenart* of *Coltness*, Sir *Colin Campbell* of *Ardkinless*, Sir *David Arnot* and Sir *John Erskine* of *Balgonie*. And Thirty eight Special Gentlemen, *Ramsay* of *Edington*, *Pringle* of *Greenknow*, *Gladstones* of *Whitlaw*, *Scot* of *Wall*, *Brown* of *Blackburn*, *Hopburn* of *Beauston*, *Laird* of *Ormiston*, *Laird* of *Pennicuik*, *James M'Lurge*, *Archibald Muir*, *Baillie* of *Lamington*, *Douglas* of *Balke*, *Ramsay* of *Blackcraig*, *Drummond* of *Balcaik*, *Drummond* of *Conrie*, *Gurlie* of *Kiptaroch*, *Grierson* of *Dalkeith*, *Irvine* of *Drumcultron*, *Minto* of *Cumtoddan*, *Laird* of *Rusko*, *Laird* of *Gairarie*, *Gordon* of *Largmoir*, *Fairly* of *Brunsfeld*, *Crawford* of *Crawfordland*, *Campbell* of *Waterhouse*, *Hamilton* of *Grange*, *Houston* of *Johnston*, *Muir* of *Glanderston*, *Hamilton* of *Barns*, *Laird* of *Aikenhead*, *Laird* of *Allington*, *Hamilton* of *Brymer*, *Laird* of *Nauchoison*, *Laird* of *Kinkell*, *Spittle* of *Lenchar*, *Martin* of *Barnbrae*, *Campbell* of *Moy*, and *Duff* of *Brace*. Among all these from Presbyteries, there is not one Farmer or Mechanick. I have lying before me the Roll of the next Assembly, which held at *Edinburgh*, *January* 15. 1692 ; in which I observe, that the Elders directed from it, were of the same Denomination with those in the Assembly, *Anno* 1690. The Register of the Actings and Proceedings of our Assemblies, from the 1692 to the 1702, being consumed

sumed by a Fire which broke out in the *Lawn-market*, I have not the Opportunity of knowing who were the constituent Members of these Assemblies. But I am certain, that there is nothing to be found in the publick printed Acts, from which we can infer, that our Church has done any Thing to the Prejudice of the Rights of the Barons. I have been at Pains to inspect the Registers, to know if our Assemblies, for a good Number of Years, after the Year 1702, were constituted of Elders directed from Presbyteries of any other Character; and after the Search I have made, I cannot observe any Variation that is of Moment: I know that Two or Three Presbyteries, that have sent Probationers, as their Elders to the Assembly; but this I must impute either to their not knowing the Constitution, or to the Scarcity of Elders of the foresaid Rank, or their Unwillingness to be at the Charges of attending the Assembly; but till of late, I never knew Elders of the nearer Sort, whose Education cannot be supposed to have qualified them for judging in our Assemblies, sent as Commissioners to them.

Upon this Head, of Elders sent from Presbyteries, I have another Observation to make, and that is concerning the Changes that have been made as to the Number of them. And here I notice, that for many Years, there was no Restriction of the Number of the Representatives of Shires in our Assemblies: There was none till the Year 1597, when the Assembly held at *Dundee* made the following Regulation. "Because (say they) there has been no Order set down hitherto anent (N. B.) the Number of Commissioners to be directed from every Presbytery to the Assembly; therefore 'tis statute and ordained, That in all Time coming, Three of the wisest and gravest of the Brethren be directed from every Presbytery to the Assembly, — and likewise that one be directed from every Presbytery in Name (N. B.) of the Barons." And this Regulation continued in full

Full Force and Vigor, till the unlawful Assemblies that introduced Episcopacy. I have observed already, that the Assembly 1638 had one Elder directed from every Presbytery; and so it was in our Assemblies till the 1650, tho' there had been a Design in the Year 1647, to make an Alteration, as to the Number, which we have contained in the Directory for Church Government, and Ordination of Ministers, which was composed by the *Westminster Assembly*. This Directory being sent to our Assembly, Anno 1647, it was ordered in the 25th Session of that Assembly to be printed, that it might be examined by Presbyteries against the next Assembly. The Alteration they proposed was, That there shall be an equal Number of Elders out of every County. Their Words are, *The national Assembly consists of Ministers and Ruling Elders, delegated from each provincial Assembly, the Number of which Delegates, shall be Three Ministers and Three Ruling Elders out of every Province.* By this Directory, the Synods, and not the Presbyteries, were to make this Delegation; and instead of one Elder for Three Ministers, as our Constitution and Practice had been, they make the Number of Ministers and Elders equal, Three of each Order. In this Matter, they did indeed agree with the Discipline of the reformed Churches of *France*, *Chap. 9. Can. 3d*, where it is ordained, " That the Brethren assembled in every provincial Synod, shall chuse out only Two Ministers and Elders, who are Persons of great Experience in Church-affairs, to be sent in Name of the whole Province:" Where they ordain, " That the Synods make the Delegation, and chuse Two of each Order." *Pardivan*, in his *Collections*, p. 70, thinks, " That this Equality is but reasonable, when Presbyteries, the Constituents of General Assemblies, do consist of Ministers and Ruling Elders equally; that they should be equally represented there likewise." And p. 72 he maintains, " That there should be no Delegations

" but

“but from Presbyteries.” And thus he cuts off both Royal Burrows and Universities from sending Deputies to our Assemblies. But our Church could never be of the Opinion, that it was reasonable, that the Number of Elders should be equal to that of Ministers in the General Assembly: And I suppose the Reason is; because a Presbytery, with respect to the Ministers within its Bounds, is a radical Judicatory, Ministers being constant and necessary Members of that Court, and need no Commission, they being at their Ordination or Admission into the Ministry, received as Members of it. But the Presbytery, with respect to Ruling Elders, is but a delegate Court, none of them being Members, but by a Commission from their respective Sessions, which makes a great Difference between Ministers and Elders. The Assembly, *Anno 1648, Sess. 4th*, referred the Consideration of this Directory to their Committee for publick Matters, that they might take in the Reports from the several Presbyteries concerning it: But it would seem, that the Presbyteries did not relish this Alteration, and that their Opinion was not favourable to it: For in the 31st Session, they continued the Examination of the Directory till the next Assembly; and when the Assembly, *Anno 1649*, was held, I cannot learn either from their printed Acts, or the Index of the unprinted Ones, that they came to any Agreement for approving of that Directory; and thus that Part of the intended Uniformity between *Scotland* and *England*, as to Church Matters was dropt, because of several Things exceptionable in that Directory; and in particular, because it proposed, that the Number of Elders in General Assemblies should be equal to that of Ministers. But as the *Westminster* Assembly and ours differed in this Point, so both disagreed from the Directions of the *English* Parliament, *August 19th, 1645*, who determined, “That in all Assemblies, there shall be two Ruling Elders to one Minister;” for

In *England* they had been strangely oppressed by the Papal Power of Archbishop *Land*, and his High Church Party and Faction: But tho' our Assemblies could not assent to the Proposal of the *Westminster* Assembly, nor go in with the Direction of the *English* Parliament; yet when the Parliament of *Scotland*, anno 1693, in their Act June 12th, entitled, *Act for settling the Peace and Quiet of the Church, recommended to the first Assembly that was to be called, to appoint Ministers to be sent as Commissioners from every Presbytery, not in equal Numbers, which is manifestly unequal where Presbyteries are so, but in due Proportion to the Churches and Parishes within every Presbytery.* The General Assembly which met, anno 1694, did accordingly enlarge the Proportion as to Ministers in some Presbyteries, and diminish it in others. The Presbytery of *Dunbar*, for Instance, which consists but of Ten Ministers, had formerly a Right to send Three Ministers, by that Act can send only Two, the Presbytery of *Perth* can send Four, and the Presbytery of *Edinburgh* can send Six, tho' formerly each could return no more than Three. But that which I notice chiefly here is, that tho' the parliamentary Recommendation was only with respect to the Number of Ministers, yet that Assembly did likewise enlarge and proportion the Representation with respect to Ruling Elders; so that by this Act, the Presbytery of *Perth* can now send Two Elders, and the Presbytery of *Edinburgh* Three; whereas formerly, each could only send One: So that conform to the Representation proportioned by this Act, the Number of Ministers delegated from Presbyteries to the next Assembly, was one Hundred and Eighty, and Sixty eight Ruling Elders, which, with Sixty seven sent from the Royal Burrows, make in all one Hundred and Thirty five Elders; so that at that Time the Number of Ministers in the Assembly was superior to that of Elders by Forty five; but since that Time the

the Number of Presbyteries is encreased, they now make Seventy five: And according to the Proportion made by the Act of Assembly, *Anno 1694*, there is Commission given by Presbyteries to one Hundred and Ninty one Ministers, and Eighty five Ruling Elders, who with Sixty seven Elders from Royal Burrows, will make one Hundred and Fifty two; so that the Number of Ministers is still superior to that of Elders in our Assemblies, by Thirty nine; and the Number of both Ministers and Elders, if all should attend, will amount to three Hundred and Forty three, besides Five Commissioners directed from the Universities and Colleges, as we shall see afterwards.

Thus by a long Deduction, I have not only given an Account of the various Changes and Alterations, as to the directing of Ruling Elders from Presbyteries to the General Assembly: But I have demonstrated from the most authentick Vouchers, that as Shires were represented in Parliament by Barons; so by our ecclesiastical Constitution, that Shires, or these Parts of Shires that make up the Precinct or Bounds of Presbyteries, were represented all along in our Assemblies, by Barons or Freeholders in the Shires; and that these Elders that were, and are to be sent from Presbyteries, are the Representatives of the Shires in our Assemblies. But of late, many Presbyteries, without any Act of Assembly, have innovated the Constitution, and altered the uninterrupted Practice, by chusing Elders of the meaner Sort, who are not Heritors or Barons. I would call this a gross Innovation, a manifest Act of Injustice done to the Shires and Barons, and a forcible Invasion upon their Right; if these who have done it, did know the Constitution (for I am suspicious, that there are too many unacquainted with it:) Did they know it, what a Reproach must it be on them who have brought to our Assemblies some Elders, who are of the meanest of the People, who know very little of

our Discipline and Government, but vote implicitly, as they see others voting before them ; whereby well affected Noblemen, Senators of the College of Justice, Knights, and other Gentlemen of great Merit and Sufficiency, who, by their superior Knowledge, and good Education, would be very assisting to the Church in all Cases of Moment and Difficulty : And since (as I have observed) the Tables asserted, That this is a Constitution, that hangs upon the Authority of Parliament and General Assemblies, that (*N. B.*) cannot in Reason be altered or rescinded ; Must it not then be very surprising, for any Presbytery at their own Hand, to alter and rescind it by the Power of superior Votes, some of which are implicitly given ? Is not this contrary to all Reason ? Is not this an Infringement of Civil and Ecclesiastical Authority ? Is not this to keep out from our Assemblies, such as have a Right to be there, and to intrude others into their Room, who have none, I mean, to represent the Shires.

This Right of the Nobility and Gentry being so evident and certain, they will, no doubt, after it is made out to belong to them, claim it, and contribute their good Offices, in ordering and managing the Affairs of the Church, for raising the Honour, and securing the valuable Interests thereof : Surely they will be careful to transmit it to Posterity after them ; this they will do the rather, that there seems to be a Design upon Foot, thro' many Parts of the Nation, to diminish the Interest of the Elders of the best Rank in our Judicatories ; who, by their high Quality, their liberal Education, and great Knowledge, are fit to be truly useful to the Church : And at the same Time, to bring others into their Room, who are remarkable chiefly for a flaming Zeal, that is not conducted with Knowledge and Discretion. The glorious Appearances the Nobility and Gentry made at the Beginning of the Reformation, and their eminent Services in carrying it on, and preserving it upon many

ny Occasions with their Lives and Fortunes, when the Church was in the utmost Danger, should never be buried in Oblivion; and far less should the Rights of their Posterity be invaded.

In the Infancy of our Reformation, the few Protestant Ministers, who had the Honour of being the Instruments of it, had the Blessing of GOD upon their ministerial Labours, in which they were so successful, as to bring over many Profelytes and Converts to the true Christian Faith, and the pure Worship of GOD. But then they were for many Years grievously oppressed and cruelly persecuted: Not only were their humble Petitions for Liberty to serve GOD, according to the Light of their Consciences, and the Directions of the Holy Scriptures, disregarded, but they themselves were threatned with the most dreadful Severities and Sufferings; nay, these were inflicted most unmercifully: And they having no Hope of Relief, or seeing an End of them, certain Noblemen and Gentlemen, who had assembled with them to worship GOD, according to the Manner which they rightly judged to be most agreeable to his Word, and most pleasing to GOD, thought it their Duty to keep Assemblies and Conventions also with them, for consulting on the best Ways and Means of delivering themselves, and a deluded Nation, from Antichristian Ignorance and Error, Superstition and Idolatry, being encouraged thereto by the Promise of our Saviour, *Matth. xviii. 20. That where Two or Three are gathered together in his Name, there he will be in the Midst of them.* They conceived they had as good and sufficient Warrant to do so, as the primitive Pastors of the Christian Church; and the first Christians, for the Space of Three hundred Years, had to do the same Thing, without the Countenance and Authority of the civil Magistrate, at that Time most fierce Enemies of the Christian Religion, and bloody Persecutors of their best Subjects, the true Professors of it. It was on this Foot-
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ing also, that the Reformation from Popish Idolatry in Worship, and the Errors of the Church of Rome, in Matters of Faith, was undertaken and carried on in Germany, France, Holland, and other Parts: Now from both these most laudable and excellent Precedents, our pious and wise Reformers did copy, and did no longer wait for the Approbation of the Popish Powers: But having a considerable Body of the Nobility and Gentry joining them, they went on in their blessed Design, committing themselves and their Cause, the Cause of GOD, to the divine Care and Protection.

Now, had the Author of the *History of the Affairs of Church and State in Scotland*, which he published a Year ago, (who, as I am told, is a Protestant Clergyman) attended to these obvious Thoughts just now suggested, he had been more sparing of throwing out so many unjust Aspersions, to blacken the Memory and Name of these worthy Reformers, those noble Peers, and honourable Gentlemen, who distinguished themselves so eminently in the Cause of Protestantism. A little Reflection would have suggested to him, that what he was writing, did equally militate against the first Preachers of the Religion of JESUS, and their Followers, and the Management of the Reformers in many other Places of *Europe*: These Calumnies are so black and ill natured, that I know of no Agent for Rome, that has thrown out worse. Bishop *Sporiswood*, who lived much nearer to these Times, does not, as I remember, let such Aspersions fall from his Pen; he thought he would do much, if he could show, that our Reformation was brought about by preserving still an Episcopacy in the Church, wherein he has exceedingly fail'd. But this late Historian has put the worst Colours upon the Actings of our Reformers, and would blast their Characters and Reputation. In fine, Tho' he has preserved and published a great many useful Things in his History, it will be eternally branded by all true Protestants, as a

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Libel and Satire upon the Reformation, and those whom G O D honoured, by employing as his Instruments, in bringing it about.

The Nobility and Gentry having espoused the reformed Interest, they entered into a solemn Oath and Bond, to assist one another in the Cause of Religion, dated at *Edinburgh, December 3. Anno 1557.* The Words are, *We promise before the Majesty of GOD, and his Congregation, that we, by his Grace, shall with all Diligence, continually apply our whole Power, Substance, and our very Lives, to maintain, set forward, and establish the most bless'd Word of GOD, and his Congregation; and shall labour, at our Possibility, to have faithful Ministers, truly and purely to minister CHRIST's Gospel: And every Member thereof, at our whole Powers, and waging of our Lives, against Satan, and all wicked Power, that doth intend Tyranny and Trouble against the said Congregation, &c.* *Spotswood, Church-History, says, p. 117, "That the principal Subscribers were Archibald Earl of Argyle, Alexander Earl of Glencairn, James Earl of Morton, Archibald Lord Lorn, James Sandilands of Calder, John Erskine of Dun, and William Maitland of Lethington younger"*

From this Date, the Body of those who professed the reformed Religion, were termed *the Congregation*, to distinguish themselves from those that were of the *Romish Church and Communion in Scotland*: And the Nobility and Barons, who entered into this Bond, and subscribed it, were called *the Lords of the Congregation*; that is, the chief Members of it, and its Protectors and Defenders. In the following Summer, they got many of the most considerable Persons, thro' all Parts of the Kingdom, to subscribe likewise.

About this Time, *Queen Elisabeth in England*, observing the great Figure and resolute Stand they made, entered into a Treaty and League with them: And at their earnest Desire, sent unto Scotland an Army

Army of Six thousand Foot and Twelve hundred Horse, under the Command of the Duke of *Norfolk* and Lord *Gray* to support them ; and she ceased not to give her seasonable Assistance, till she obliged the Queen Regent to make a Peace with them, and to call a Parliament for settling Religion.

In this Parliament, which was held *Anno 1560*, the Lords of the Congregation got the publick *Confession of Faith* ratified and confirmed. And after this, when the reformed Interest was at any Time on the declining, our Assemblies had their Recourse to the Nobles and Barons, as the fit and proper Persons under GOD to support it.

The Assembly, *June 1567* sent Missives to the
 “ Earls, Lords and Barons, to convene with them in
 “ the Month of *July* thereafter, that a perpetual
 “ Order may be taken for the Liberty of the Kirk,
 “ and recommend to them in the Name of THE
 “ ETERNAL GOD, the building of the ruinous House
 “ of GOD in this Nation :” And accordingly there
 convened no less than Ten of the Nobility, and Fifty
 two of the chief Barons in the Nation, and agreed to
 the following solemn Resolution, and subscribed the
 same. “ The Nobility, Barons, and other underscri-
 “ bing, in the Presence of GOD have faithfully pro-
 “ mised to convene themselves together with their
 “ Power and Force, and there to begin to root out,
 “ destroy, and allanerly to subvert all Monuments
 “ of Idolatry, and namely the odious blasphemous
 “ Mass, and thereafter to go forward throughout this
 “ haill Realm to all and sundry Places, wherever
 “ Idolatry was fostered, haunted and maintained ;
 “ and chiefly where Mass is said, to execute the Re-
 “ formation foresaid, without Exception of Place or
 “ Person, and shall to the uttermost of their Power
 “ extirpate all Idolatry, and others that are not
 “ admitted to the Ministry of the Kirk, from all Func-
 “ tion thereof, as well private as publick, that they
 “ hinder not the Ministry any manner of Way in
 “ their

“ their Vocation; and in Place of the Premisses, set
 “ up, and establish the true Religion of JESUS
 “ CHRIST throughout this haill Realm, by planting
 “ of Superintendents, Ministers and others, needful
 “ Members of the Kirk, seeing the Host of the
 “ LOR. shall pass thro’ the whole Country to this
 “ Effect, and also shall proceed to the Punishment of
 “ Idolaters, according to the Laws thereupon pronounced, &c.”

When the Assembly, *Anno 1581*, had the Plan of Presbyteries under Consideration, they delayed to make any Act about it, tho’ sent them by the King, till it was sent to the Nobles and Barons for their Opinion, which being afterward made known to the Assembly Presbyteries were appointed to be erected, which Appointment the Nobles and Barons speedily executed beyond the Expectation of all, as Mr. *James Melvil* acquaints us in the Place already quoted. And in a Word, they did not cease to give their helping Hand for bearing down of Popery, and advancing the reformed Interest, till they got the Discipline and Government of the Church established by Law, *Anno 1592*, as they had before got the Doctrine ratified, *Anno 1560*.

Tho’ Presbytery was established by Law, *Anno 1592*, yet King *James* studied by all Means to introduce Episcopacy into this Church, that he might make himself the more acceptable to the *English* Nation, when he should succeed to the Crown: And after, when he was settled upon the Throne of *England*, he got Episcopacy brought in by that corrupt Assembly at *Glasgow*, *Anno 1610*, and procured it to be ratified by Parliament, *Anno 1612*; then set up a High Commission Court for punishing all such as should offend against that Constitution; and got a packt Assembly at *Perth* to approve of the Five Articles, purely because the King commanded them to do it, which also he got established in Parliament, *Anno 1621*. His Son King *Charles I.* was exceedingly

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ingly zealous for Episcopacy ; by his own Authority, he brought in several Innovations upon the Church, by imposing a Book of Canons without the Consent of Parliament, or the Approbation of an Assembly, or any Convention of the Clergy ; some of which Canons determined such an unlimited Power and Prerogative to be in the King, and such a Supremacy in all Causes ecclesiastical, as never had been pretended to by our former Kings. The Discipline and Government being thus altered, the next Step was to bring us to an Uniformity with *England* in Worship ; wherefore he caused a Liturgy to be drawn up for *Scotland*, or rather re printed the *English* Liturgy with a new Title, there being only a few Alterations, which rendered it less satisfactory, and more invidious.

When Matters were come to this height, the Nobility and Gentry judged it full Time to put a Stop. Mr *William Scot*, in his *historical Naration*, p. 167, mentions several Grievances given into the Convention of the three Estates, *Anno* 1630, by *Rorbes, Caisils, Seasforth, Yester, Balmerinock, Melvil* and *London*, but the Convention refused to give them so much as a Reading. In the Year 1637, the Nobility, Barons and Burgessees petitioned the Privy Council, against the setting up the Book of *Common Prayer*, and after this entered a Protestation against the *Roman* Idolatry and Superstition, the *Common Prayer* Book, Canons and high Commission : And in *February* 1638, they entered into a solemn Covenant to maintain the *Confession of Faith*, subscribed by the King's Father and Council 1580, and thereafter by Persons of all Ranks, *Anno* 1581, and again by all Sorts of Persons, *Anno* 1590. To this Covenant they did swear a mutual Defence of one another, or against all Opposition and erected Tables to take in Subscriptions of all Sorts of People. At this Time the Nobility and Gentry were as considerable as ever *Scotland* knew them ; and they did not cease in carrying

ing on a Reformation, notwithstanding of the mighty Opposition, and the great Discouragement given them by the King, his Courtiers and the Bishops, still insisting to have a free Assembly and Parliament called. When these Proceedings were made known to the King, " He instructed the Marquis of *Hamilton*, " not to consent to the calling of a Parliament or " General Assembly, till the Covenant be given up ; " That now his Crown and Reputation for ever lies at " Stake ; That he had rather suffer the first, which " Time would help, than the last, which is irreparable ; That the Explication of the DAMNABLE " COVENANT, makes him to have no more Power " than a Duke of *Venice*, which he would rather die " than submit to." Yet without dying, when the Nobles and Barons were immoveable, he did submit to the Revocation of the Service-book, Canons, High Commission, and the Articles of *Pertb*, forsook the Bishops, and by a Proclamation, *September 22 1638*, commands the Covenant to be subscribed by all his Privy Council, and all his *Scorish* Subjects, and indicted a General Assembly to be held the 21st of *November 1638* at *Glasgow*, and a Parliament to meet at *Edinburgh* the 15th of *May* following.

After this, in the two succeeding Reigns, the Nobility and Gentry witnessed a good confession to the Cause of Presbytery, and endured the greatest Hardship and most cruel Persecution, for their firm Adherence to it. Witness the Act of Parliament, *Ann 1696*, rescinding the Fines and Forfeitures paid since the Year 1665, by the high Court of Parliament, the Circuit Courts of Justiciary, and other Courts, to *November 1688*, in which we have a long Roll of the many Sufferers ; all which are but few in Comparison of a voluminous Collection, published by Mr. *Wodrow* in his *Church History*.

When this Nation had been for a long Time made an *Aceldama*, a *Field of Blood*, and when King *James VII.* was pushing to have Popery set up, then

the Nobility and Gentry interposed for the common Liberty and Safety. King *William* in his Letter to the Estates of this Kingdom, dated *March 16, anno 1689*, owns, *That many of the Nobility and Gentry of this Nation, desired him to call a Meeting of the Estates, for securing the Protestant Religion, the Laws and Liberties of this Kingdom.* And when the Convention of Estates did meet, they, by their Act, declared their Meeting to be lawful, and resolved to continue undissolved, until they settle the Protestant Religion, the Government, Laws and Liberties of the Kingdom. And how Matters turned about for the Preservation of Religion, the settling of the civil Government, the Establishment of the Presbyterian Government, the securing of Liberty and Property, none of us can be ignorant of; since we peaceably enjoy unspeakable Advantages redounding to us by the late happy Revolution. From this compendious Account, of the glorious Appearances of the Nobility and Gentry of *Scotland*, for the valuable Interests of this Church, shewing how resolutely they exerted themselves, when our Church was reduced to the last Extremity, and how active they have been in restoring her to her Privileges, when robbed of them: It will appear to be highly reasonable, that since they have a just Claim and Right to be represented in our Assemblies, Presbyteries take Care that this be inviolably preserved to them; that is to say, if the Method of Election shall continue, they shall carefully chuse such qualified Noblemen, and special Gentlemen, Ruling Elders, to represent the Shires in future Assemblies; as have Estates, or a Land Interest in their Bounds. This is what they will now expect from Presbyteries; and if this is not granted them, the Assembly will, no doubt, take Course with such Presbyteries, as shall act a Part contrary to, and subversive of the said Right; and reject all Commissions to Elders from Presbyteries, as do not expressly bear that the said Elders have a Relation

lation to the Presbyteries, by possessing Estates or Lands within their Bounds, especially since this exactly agrees with one Alternative of the 6th Act of Assembly, Anno 1704, determining, "That Commissioners must reside, or have Relation to the Bounds they represent." The Words are, *That no Minister or Elder shall be commissioned to the General Assembly, by any Presbytery, Burgh or University, but such as usually reside, or have a Relation to the Presbytery, Burgh or University they are commissioned from.* The Observation that *Pardisvan* makes upon this, is in p. 73, "This (says he) was enacted, that pragmatick and designing Men, may be kept out from being Members of Assemblies, after their own Presbyteries had been pleased to neglect them in their Choice."

My *Fourth Assertion* is, That as the several Royal Burrows of Scotland were represented in Parliament by one Commissioner, except the City of *Edinburgh*, which had Right to send two; the Commissioners from Burrows made up one of the Estates of Parliament; so according to our Constitution and long continued Use, our General Assemblies had the very same Number of Elders delegated by the Royal Burrows, to be their Representatives in our Assemblies. I do not maintain, that each Burrow did constantly send their Representative: But what I assert is, that they ever have had a Right to send, if they pleased to make Use of it. I own, that in our first Assemblies they were not restricted to a certain Number: For in our first General Assembly, anno 1560, I find, that the Burgh of *Linlithgow* sent three Commissioners; the old Register acquaints us, that *Charles Drummond* Provost, *James Wedderspoon* and *Andrew Miln* were the Persons. In the first Session of the Assemblies, *December*, anno 1565, and *December*, anno 1567, the Commissioners from Burghs are marked present; and in the Register of the Proceedings of this Assembly, *December*, anno 1567, I observe,

observe, that there were sixteen Commissioners from Burrows, subscribing some Articles that were then agreed to by the Assembly. And in the first Session of the Assembly, July 1560, Commissioners from Towns are marked present. And in the second Session, this Assembly by an Act expressly declared, "That Commissioners of Burghs shall have Place and Power to vote in Assemblies." Herein they acted wisely, for several of the Burrows made a considerable Figure in carrying on the Reformation. In the most Assemblies, down to the 1597, Commissioners of Burghs are set down as present in the first Session. There were few Assemblies during this Period in which they wanted Delegates. And in this Assembly, anno 1597, their Number was restricted; then it was expressly ordained, "That one Elder shall be directed out of every Burgh, except *Edinburgh*, which shall have Power to direct two Commissioners to the General Assembly;" and this Constitution has obtain'd ever since. I confess that it is a Question, that has been agitated and debated, How any civil Society or Corporation, can, according to Presbyterian Principles, send Delegates to any ecclesiastical Court, and give them a Power of voting, judging, and deciding in ecclesiastical Affairs? The Burrows have not Right to send Delegates to a classical Meeting or Presbytery, nor to a provincial Synod: They never have been in Use to do this, so far as I can learn; but they are allowed to send Delegates to a national Synod; probably because it was judged fit that the Assembly, the supreme ecclesiastical Court, be constituted of Representatives of all Estates in the Nation, after the Model of Parliament, the supreme civil Court: And accordingly, as the Burrows sent Sixty seven Commissioners to the Parliament, they may direct the same Number to the Assembly. Mr. *Steuart* of *Pardivan* in his *Collections*, p. 32. has this Marginal Note, "That there should be no Delegation, but from Presbyteries only." Thus at once

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he would cut off all Representatives from the Burghs. And in the 7th *Parag.* says, "That our Practice" would be more easily accounted for, and a great deal more agreeable to that of foreign Churches, if "Delegations were only from Presbyteries." It would seem, that the General Assembly, *anno* 1648, took this Question under their Consideration, as appears from the Act about it. They say, "as to the Commissioners from Royal Burghs, till the Matter be further thought upon, Burghs are to observe the ordinary Practice, *viz.* that each Burgh send One, and *Edinburgh* send Two Ruling Elders, approved of, and consented to by the Ministry and Session of the Burgh." They knew that the Royal Burghs had an Act of Assembly in their Favours, and likewise a long Prescription to justify their Right. Further, The Royal Burghs made one of the Estates of Parliament, and severals of them had been eminently serviceable in the Beginning of the Reformation. For these Reasons it was not easy to overturn this Part of our Constitution, nor would it have been prudent to have done it; and so that Assembly left them to continue in the Possession of this Right, reserving to future Assemblies a Power to take up the Debate, if they should see fit to do so. Since the Assembly, *anno* 1648, the Royal Burghs have another Prescription in their Favours; but notwithstanding it would seem, that our Church are not intirely satisfied as to this Point: For the Assembly, *anno* 1718, in their Act, *May* 27th, *Sess. ult.* entituled, *Act regulating Elections of Members of the General Assembly*, take up the Expression that had been used by the Assembly, *anno* 1648. For they say, "The General Assembly has resolved, until the Matter concerning Commissions from Burghs be (*N B.*) further thought upon, &c."

The Persons that can be elected by the Royal Burghs, to represent them, must have the following Qualifications; they must first be Church-Officers:

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For by the 5th Act of Assembly, *Anno 1694*, it was determined, "That no Persons shall be Members of "Assemblies, but such as are either Ministers or "Ruling Elders." But then a Question casts up here, Whether the Commissioners from Royal Burrows, to our Assemblies, must be Ruling Elders, to the Exclusion of Ministers? That which gives Rise to this, is an Election of Commissioners to the Assembly, *Anno 1732*, made by the City of *St. Andrews* and the Burgh of *Couper*. The City of *St. Andrews* had elected the Reverend Mr. *Archibald Campbell*, who had been Minister for a good Number of Years in the Parish of *Larbour* and Presbytery of *Stirling*, and at that Time Professor of Divinity and Ecclesiastical History in the New-College. And the Burgh of *Couper* had elected the Reverend Mr. *George Boer*, one of their Ministers, to be their Commissioners to that Assembly. This Affair came to be much debated in the Committee for Elections, and before the Assembly itself; but this Election and their Commissions were rejected. The Act of Assembly concerning them, runs in these Terms "The Commissioners from the Burgh of *St. Andrews* to Mr. *Archibald Campbell* Professor of Ecclesiastical History in the University of *St. Andrews*, and from *Couper* to Mr. *George Boer* one of the Ministers thereof, to represent these Burghs in this Assembly, not sustained, because not agreeable to the Acts of Assembly and Practice of this Church, that Burghs send Ministers to represent them in the General Assembly; therefore ordered the Names of the above Messieurs *Boer* and *Campbell* to be struck out of the Roll of Assembly." But with the utmost Deference, and most profound Regard I have to that venerable Assembly, as I thought at the Time they too hastily gave Decision, and conceived, that their Commissions might have been admitted for that *Vice*, and that a Matter of such Weight and Importance deserved to have been transmitted to the several

several Presbyteries of the Church; that after they had maturely considered the same, their Opinion and Judgment, with the Reasons supporting the same, might be reported to the General Assembly: This is usually done in all Cases of Moment, wherein it is supposed, that this Church has made no Provision or Regulation. But further, if the Reasons and Grounds of the foresaid Decision are duly considered and weighed, it will be found that they were in a Mistake. This I may adventure to say, since it is a Protestant Principle, that Councils are not infallible in Matters of Doctrine, and far less in Matters of Fact. The Papists themselves maintain, that Popes are fallible, as to Matters of Fact. The Ground of the above Decision, "That the electing and giving Commissions by Burghs, to Ministers to represent them in the General Assembly, is contrary to the Acts of Assembly and Practice of this Church" But I humbly conceive, that 'tis contrary to neither. 1st, It is not contrary to the Acts of Assembly: For the Act of Assembly is in general Terms, *Act, Anno 1568*, declares, "That commissioners from Burghs shall have Power to vote in Assemblies." And accordingly in the Register, when the constituent Members of the Assembly are marked in the first Session, 'tis always said, *Commissioners of Burghs*, or *Commissioners of Towns*, without determining they were Ministers; who have not only the Key of Doctrine, but likewise of Discipline and Government; or Elders, who have only the Key of Discipline and Government. In the *Act, Anno 1597*, I own they are called *Elders*: And in following Acts, they are sometimes called *Commissioners of Burghs*, sometimes *Representatives of Burghs*, and sometimes *Elders*, and sometimes *Ruling Elders*; but sure this can never exclude Ministers, unless it shall be maintain'd, that Ministers are not Ruling Elders. But all Presbyterians maintain, That as the Office of the Deacon

is contained in that of the Ruling Elder, ('tis be-
cause of this Consideration, that in most of the Coun-
try Parishes thro' Scotland, Ruling Elders do the
Work of Deacons) so the Office of the Ruling Elder
is included in that of the Pastor, the Office of the
Ruling Elder and that of the Deacon, are absorbed
or swallowed up in that of the Pastor; and whatever
are the Powers of the Ruling Elder or Deacon, the
Pastor is vested with them, and may do their Work,
without being an Intruder on their Office; nay, this
is what all Ministers do every Day in Sessions and
Presbyteries; they act in all Matters of Government
and Jurisdiction *qua* Ruling Elders. And now, I
cannot be brought to think, that it was the Intention
of any of the said Acts of Assembly, that mention
Elders or Ruling Elders as the Commissioners or Re-
presentatives of Burghs, to exclude Ministers from
being Commissioners of Burghs; because this is to
lay a Restriction upon the principal Ruling Elders
in the Church; a Restriction upon that Office, which
they have a Right to exercise, whenever called to
it; but so it is, the Two foresaid Commissioners being
Ministers are Elders, and had a Call from their re-
spective Burghs, by the Commission given them to
exercise the Office of Ruling Elders in the General
Assembly. *2dly*, The electing and giving Commis-
sion by Burghs to Ministers, to be their Representa-
tives in the Assembly, is not contrary to the Practice
of this Church, but agreeable to it. For the Assem-
bly, *June 1567*, having sent Missives to the Nobles,
Barons and Burgessees, to meet together in the As-
sembly, in the Month of *July* thereafter, at *Edin-
burgh*, I find from the Register of the Proceedings
of that Assembly, that the Town of *Aberdeen* sent a
Letter in Answer to the said Missive; wherein, after
they had resumed the Sum and Substance of the As-
sembly's Missive to them, *They signify their Resolu-
tion, by the Grace of G O D, to continue, to the*
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Maintenance of the forth setting of the Glory of GOD, teaching of the true Evangel, and Sustentation of the Ministers, with Help to the Poor.—And as to our personal Presence, to convene at this Time, have given and sent Adam Heriot our Minister to concur and assist (N.B.) in our Name, to the Effect foresaid; and to declare to your Wisdoms, the Impediment of our personal Presence at this Time. This Letter was subscribed by Thomas Menzies their Provost Further, this Assembly agreed to several Articles, viz. concerning the abolishing of the Mass, the Patrimony of the Kirk, the Relief of the Poor, the punishing of Offences; particularly the Murder of the King, the assisting the young Prince, his Education, and the rooting out of Idolatry; all which Articles were subscribed by the Earls, Lords, Barons, and others, Commissioners for the Time. And there are no less than Sixteen Commissioners from Burghs subscribing; and among these, I take Four of them to have been Ministers, viz. Mr. Clement Little, Mr. John Preston, Mr. Richard Strang, and Mr. David Weems. 2. The Two foresaid Reverend Gentlemen were qualified, as they had subscribed the Confession of Faith, according to the sixth Act of the Assembly, Anno 1704; and likewise by signing the Formula prescribed by the 11th Act of the General Assembly, Anno 1694. 3. They were qualified, as they were elected Forty Days before the Meeting of the Assembly, according to the Act of Assembly, May 27th, Anno 1718, just as Elders from Presbyteries, according to the 6th Act of the Assembly, Anno 1698. And, 4. The Attestation did bear, That they did keep up the Worship of GOD in their Families. And lastly, It being required by the Act of Assembly 1718, "That the Commissioners of Burghs be either Residenters in the Burghs, or Heritors in the Burgh, or in the Bounds of the Presbytery where the Burgh lyes; or that they have formerly

" resided and officiated as Elders in the said Burgh
 " or Presbytery." Now, as to these Requisites the
 Commission of the above Reverend Gentlemen, did
 bear, that they resided in their respective Burghs,
 'tis undeniable, that they are both Burgessees in their
 Towns: They are residing Burgessees, and both of
 them had officiated as Elders in their Presbyteries.
 There have been, for Two or Three Years bygone,
 great Debates, with respect to a Deputy sent from
 the Burgh of *Montrose*; because, as was alledged,
 " He had not any Interest in the Burgh, since he
 " neither resided in the Burgh, nor was an Heritor in
 " it, or in the Bounds of the Presbytery, according to
 " the statutory Clause of the Act of Assembly, Anno
 " 1718." The Objection was owred by all to be
 good and relevant, if it had been Fact; but the con-
 trary was made to appear. If this is the Constitution
 with respect to Burghs, as to their Representatives;
 by the same Parity of Reason, the Regulation should
 be as to Elders, directed to the Assembly by Pres-
 byteries; i. e. that they either have Residence in
 the Bounds of the Presbytery, or have a Land Estate
 there. Thus, from the above Particulars, 'tis evi-
 dent, that these Reverend Gentlemen were every Way
 qualified, according to the Acts of Assembly; What
 is it now, that could disqualify them? Will it be
 said, that their being teaching Elders or Pastors did
 disqualify them? Surely, that is so far from being a
 Disqualification, that in my Way of thinking, it was
 rather a Qualification of them. The Reverend Mr.
Matthew Simson Minister at *Pancaitland*, when he
 was a Preacher, was elected Anno 1722, by the
 Burgh of *Renfrew*, and had their Commission to re-
 present their good Town; and his Commission was
 not rejected, but sustained by that Assembly: His
 being a Preacher, could not incapacitate him from
 acting as an Elder in the Assembly; and since it did
 not, I do not see, that a Man's being a Minister, can
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incapacitate him from voting and judging in an Assembly as a Ruling Elder.

This Conduct of the Assembly, with respect to the foresaid Ministers, influenced the General Convention of the Royal Burrows of *Scotland*, holden at *Edinburgh*, in the Month of *July* thereafter, fifth Day, to make the following Act, which I judge to be of such Moment, as to give it a Place in this Performance.

" The which Day the Convention considering, That
 " notwithstanding by the Constitution, Rules and Laws
 " of the Church of *Scotland*, every Royal Burgh has
 " Right to be represented in all the Meetings of the
 " General Assemblies thereof, by their Commis-
 " sioner thereto duly authoriz'd, according to the Rules
 " and Directions which are in that Behalf made; yet
 " some of the Burrows have, for many Years past, o-
 " mitted to use their foresaid Right, and that others
 " of them, who have used it, have made Choice of
 " Ministers or Probationers, not qualified according
 " to the foresaid Rules which is extremely preju-
 " dicial, both to the Interest of the Church of *Scot-*
 " *land*, and to the Interest of the State of Burrows;
 " therefore the Convention do hereby ordain the Ma-
 " gistrates and Town council of every Royal Burrow,
 " to make choice of such Persons to represent them,
 " as their Commissioners, in every Meeting of the
 " General Assembly, as are thereto duly qualified,
 " conform to the aforesaid Rules, which are in that
 " Behalf made by the General Assembly, and who
 " will give punctual Attendance at all the aforesaid
 " Meetings; and do hereby discharge them from
 " making Choice of any Ministers or Probationers,
 " or of any other Person not qualified, according to
 " the foresaid Rules, in that Behalf, made by the
 " General Assembly, or who will not give full As-
 " surance to their Constituents for their punctual
 " Attendance, as they will be answerable to the
 " General Convention. And that this Ordinance may
 " be

" be carefully observed, appoints the same to be al-
 " ways a Head of the annual Missive, and that the
 " Royal Burrows may know the foresaid Rules and
 " Directions made by the General Assembly, ap-
 " points the Agent to send Copies thereof to every
 " Royal Burrow, before 1st Day of *January* next.
 " Extracted forth of the Records of the Convention,
 " by me, *George Home* general Clerk to the Royal
 " Burrows."

GEORGE HOME.

As by this Act they ordered, that this Matter
 shall be a Head of their annual general Missive to the
 respective Burghs; so I find this is punctually obser-
 ved, having seen their general Missive for the Year
 1735; it is the 13th Article of the Missive for that
 Year.

The Royal Burrows have all along been in the
 Use of directing Commissioners to our Assemblies:
 And we see from the above Act, when they judged
 that their Right was encroached upon, by electing
 Ministers in some Burrows to be Representatives in
 the Assembly, they discharged, in their general Con-
 vention, all Burrows from making Choice of Mini-
 sters for the future, as they will be answerable. And
 tho' I cannot be brought to think, that their electing
 of Ministers, who either have their Residence, or are
 Heritors in their Burghs, can be prejudicial to the In-
 terest of the Church of *Scotland*, or to the State of
 Burrows, because of what I have already advanced on
 this Subject; yet Burghs being Societies always jea-
 lous of their Privileges, I know, are strictly careful
 and watchful to preserve them, which must tend very
 much to their Commendation. And herein they
 have been more careful than the Shires of *Scotland*
 have been; who, for some Time, elected their Re-
 presentatives in the Meeting of the Head court of
 the Shire: And after this, in the synodical Meeting,

all

all Gentlemen that came to that Meeting voted in the Election; yet they have neglected to preserve this Right: For tho' I have made it out, that when the Presbyteries became the Electors of their Representatives, they carefully made Choice, for a long Time, of Elders of the Rank of Noblemen and Gentlemen; yet of late, others are elected in many Presbyteries, who are not of the said Rank.

I likewise observe upon the foresaid Act, that tho' the Assemblies, *Anno* 1648 and 1719 declared, That the sending of Commissioners to the Assembly from Royal Burrows, is a Subject that needed further Consideration, by any Assembly that should take up that Question: And tho' this last Act of the Assembly, *Anno* 1718, is referred to by the Convention in their Act, and was by their Order printed with it, for the Information and Direction of the Burghs; yet the general Convention in the above Act strongly assert their own Right to be represented in all the Meetings of the General Assembly, and give their Order to such Burrows, as had for many Years omitted to use their Right, to chuse qualified Persons to represent them in every Assembly.

I shall finish this *fourth* Proposition, by relating the several Changes which have been made in the Manner of chusing the Representatives of Burrows. The Assembly, *Anno* 1568, by their Act declared, "That the Members from Burghs, and their Commissioners, shall be appointed by the Council and Kirk of their own Towns." By the Kirk of their own Towns, we are to understand, as I take it up, those who professed the reformed Religion in these Towns: For, as I have observed already in this Treatise, Kirk-sessions were not so early erected and set up in Burghs, and far less in Country Parishes; tho' I own, that the foresaid Act, *Anno* 1568, may be interpreted with respect to the View, Design and Hope they had of having them afterwards set up,
when

when Matters should come to have a better Bearing. Mr. *Alexander Henderson*, (who is supposed to be the Author of the Treatise, entituled, *The Government and Order of the Church of Scotland*, printed Anno 1641) in his Account, represents the Kirk-sessions to be the sole Electors of the Representatives of Burghs, p. 47, where speaking of the constituent Members of the General Assembly, says, "It doth consist of Commissioners from the Presbyteries or Clashes, Three Ministers and one Elder sent from the particular Eldershops: (so far he is right) But he adds, "Of one Commissioner from the Church-session of every Royal Burgh." According to this Relation of the Matter, the Person chosen is rather a Commissioner from the Kirk session, than from the Burgh: For he does not mention, that the Magistrates and Town council had any Vote in the Election. This being a very great Mistake, has, with some other Things, made me apprehend, that Mr. *Henderson* was not the Author of the foresaid Treatise; for surely he had Opportunities of knowing our Constitution exactly: And if he was really the Author of the said Treatise, I know nothing that can be said, with any Plausibility, for his Vindication, but this, That in his Days, the Magistrates and Counselers were the constituent Members of Kirk-sessions in Royal Burghs. And to my certain Knowledge, I am fully satisfied, as to some of them, it was so, but I am not positive as to them all. But I learn from the Register of the general Kirk session of *Edinburgh*, July 6 1648, "That the general Session (*N.B.*) joined with the Council in electing Commissioners to the Assembly:" Their Practice at that Time was exactly conform to the Act of Assembly, Anno 1568; the constituent Members both of the Town council and general Kirk-sessions of *Edinburgh*, made up the conjunct Meeting of Electors. But the Practice that now universally obtains in all the Burghs, is for the Magi;

Magistrates, or the first Magistrate to call and convene the Town-council Forty Days before the sitting down of the Assembly; and when they are met, to chuse their Commissioner and Representative to the Assembly, and to order their Commission to be given to the Person elected. And the General Convention of the Burrows in the foresaid Act, ordained the Magistrates and the Town council of every Royal Burgh to make the Choice of the Persons that shall represent them in the Assembly.

It would seem, that till the Year 1648, there was no more required, in order to the Assembly's receiving a Person elected by a Burgh, to be their Representative, but a Commission extracted by the Clerk of the Burgh. But in the said Year the Assembly 1648, *July 15th*, made a further Regulation, which was, "That each Burgh send One, and *Edinburgh* send Two Ruling Elders approven of, and consented to by the Ministry and Kirk-Session." That which appears to me to have been the Reason of this Regulation, was, that many did not understand, how a civil Society could delegate any Person, and impower him to act, vote, and determine Causes in ecclesiastical Courts; and therefore, to give Satisfaction to this, this Act was made; because, if the Kirk Session, which is a Court consisting of Church-officers, should consent to, and give their Approbation of the Ruling Elder chosen by the Town council; this is equivalent to their being elected and delegated by an ecclesiastical Court. This Regulation of the Assembly, *anno 1648*, was renewed and confirmed by the Assembly, *May 27th*, 1718; but it seems that this Attestation of the Kirk-Session was not sufficient; and therefore the said Assembly ordered, "That the Commission be also attested by the Presbytery of the Bounds, within which the Burgh lies; and that all Commissions, after they are written out and extracted, and before they be put in the Hands of the Commissioners,

" be first read in the Presence of the Presbytery,
 " and be revised by them; and that it be attested
 " by the Moderator or Clerk of the Presbytery, upon
 " the said Commissions; that this was done." And
 here I conjecture, that that which made the As-
 sembly to determine, that each Commission from
 Burrows shall have the Attestation of the Presbytery,
 is, that the Act, *Anno* 1718, not only declaring Re-
 sidenters and Heritors in the Burgh, may represent
 the Burghs as their Commissioners; but also, that
 Heritors in the Bounds of the Presbytery, where the
 Burgh lies, may be elected: And if a Presbytery
 should chuse such a Person, the Kirk Session was not
 so fit and competent to attest, concerning any Per-
 son's being a Heritor in the Bounds of the Presby-
 tery, as the Presbytery is. For this Reason the As-
 sembly, *Anno* 1718, made the presbyterial Attestat-
 ion necessary. When this Assembly declared, That
 Burghs might chuse Heritors in the Bounds of the
 Shire to be their Representatives; it might be to re-
 medy the Neglect and Omission of some Burghs, who
 for many Years had not used their Rights: They
 knew that some Burghs were so frugal of their Re-
 venue, as not to lay out their Money for defraying
 the Charges of Commissioners to the Assembly; and
 being persuaded, that well affected Gentlemen with-
 in the Bounds of the Presbytery could be had, who
 would not grudge the Expences; and therefore that
 Assembly extended the Choice of Persons to be the
 Representatives of Burghs. But now, since the Con-
 vention of the Royal Burrows has taken no Exception
 at this, I see not why they should quarrel the Elec-
 tion of Minister Elders to be Representatives of any
 of the Burghs, if they shall bear their own Charges
 and Expences, which I am sure, the two Gentlemen
 Ministers above mentioned would never have grudg-
 ed; and for my Life I cannot find out, how that
 their chusing of Ministers can be any more prejudi-
 cial

cial to the Interest of the Church of *Scotland*, and to the Interest of the State of Burrows, than the chusing of the Heritors within the Bounds of the Presbytery, where the Burgh lies. I have pored upon this for some Time, but must profess my Dulness to be so great, that I cannot find it out.

Thus I have at a considerable Length showed, that our national Assemblies were constituted of all Estates within the Kingdom, according to the Model of the Parliament of *Scotland*, which Mr. *George Gillespie* said was but reasonable, *nam de paribus idem est judicium*: And have likewise fully declared, how the Representatives of each Estate were directed, and sent to the Assembly by their proper Constituents, and the several Alterations that the Constitution of the Assembly has undergone, as to each of these in the Succession of One hundred and seventy five Years.

But because I have been told, that my Overture is lame and defective; as it makes no Provision for a *Rotation* in the directing of Commissioners from the several Universities and Colleges in this Kingdom to the General Assembly, which needed very much to be adverted to, because it being usual to send a Principal, or a Professor of Divinity from these learned Bodies; by this Means, Ten or Twelve of those being so often Commissioners to the Assembly, will come to engross a Paramount Power, and an Episcopal Dominion in our Church-Judicatories, having a large Share of the Administration of the Government put into their Hands, than Ministers can have by fixing a *Rotation* to them. After making my Compliment to those, who have suggested this Defect in the Scheme, I have two Things to advance in Answer to them. In the *first* Place, That the Overture expressly bears, That he who proposed it, hoped that the Presbytery, to whom it was made, would make such Improvements and Amendments

upon it, as to send an Overture of their own to the General Assembly, to be transmitted by them to the several Presbyteries of the Church for their Opinion, in order to the turning of the same into an Act, that shall be observed as a Directory in all Time coming. And, *secondly*, It is not necessary to confine the *Rotation* of Commissioners to the Assembly from Universities and Colleges, to those who are Principals and Professors of Divinity; they may chuse any other Master, if he is a Minister or Ruling Elder, and such Persons I know there are in the University of *St. Andrews* and the College of *Edinburgh*, (but as to the other, I am not so sure) so that the *Rotation* will be enlarged, and consequently, there will be no Ground to fear a Monopoly of the Government in the Hands of a few. And, as to this Point, I shall lay before my Readers the Answers given by some Ministers to the Twenty second Question proposed by King *James VI.* to be resolved at the Convention of Estates and General Assembly, that were to be holden at the Burgh of *Perth*, *Anno 1597.* The Question was, "Should every University, or every College, or every Master or Regent within every College, have Vote in the Presbyteries or Synods, in Towns or Countries where they are? And sicklike, What Form of Vote should they have in the General Assembly." Mr. *Calderwood*, *Church History*, p. 385, sets down the Answer of some Ministers appointed out of every Presbytery of the Synod of *Fife*, to meet at *St. Andrews*, to prepare Answers to the King's Questions. The Answer was, "Doctors and Professors of Theology, and ordinary Instructors of the Youth in the Grounds of Religion should vote. The *first*, because they are ordinary Office-bearers within the Kirk; The *second*, being lawfully called to be Sym-presbyters. Mr. *Calderwood* has also preserved the Answer of another Minister, whom he calls a *more judicious Brother*, p. 390; not that he

was

was a more judicious Brother, than the said Ministers of Fife, as the Author of a late Pamphlet, entituled, *A full Vindication*, &c. had unfairly represented, to serve his Turn, when he was straitned very much what to say, as to the Answer of the Ministers of Fife to the third Question; namely, "That the Election of Pastors should be made by those who are Pastors and Doctors lawfully called, &c." But Mr. *Calderwood* calls that Brother more judicious than Mr. *Patrick Galloway*, who had also made Answers to the same Questions. Now the Answer of this more judicious Brother, he gives us, p. 391. "If the Youth in the Schools be the Seminary of the Word, it appeareth their Teachers should have Vote in the Assemblies, being called thereto, chiefly those Masters, that are Teachers in Divinity. I understand not (*says he*) what is meant by the Form of voting, seeing all Voters have one Form."

The first Regulation made for sending Commissioners from Universities or Colleges, to the General Assembly, was *Anno 1568*. The Assembly in the Month of *July* concluded several Articles, (as the Phrase is in the Register.) The first was, "That Commissioners from Burghs, Shires, together with Universities, shall be joined to Superintendents, Commissioners for visiting of Kirks and Ministers, who shall only have Place and Power to vote in the General Assembly." But tho' this was the first Regulation concerning these learned Societies and Seminaries of Learning; yet I find, that the University of *St. Andrews* had a Representative in the Assembly, *Anno 1563*: For in the Assembly held in *December* that Year, *Scss. 4th*, the great *Buchanan* was one of the Committee appointed to consider diligently the Contents of the first *Book of Discipline*. And in the General Assembly, *June 1567*, the said Mr. *George Buchanan* was chosen Moderator to the Assembly. The Words of the Register are,

are, *That for eschewing of Confusion in Reasoning, the haill Assembly presently convened, named Mr. George Buchanan Principal of St. Leonard's College, Moderator during this Convention, who accepted the Charge hac vice.* Prelatists have made a great Outcry against that Assembly, because they elected a Lay-man to be their Moderator. But to this it has been answered, That Mr *Buchanan* being Principal of *St. Leonard's College*, was a Doctor of Divinity, and so it was not unsuitable for him to be Moderator. Mr. *Robert Baillie, Hist. Vind. p. 22.* gives some other Replies to this Objection. He says, "That this is no more than the ordinary Practice of Prelatists. How often has Sir *Nathaniel Brent* and other Gentlemen, merely Civilians, sit not only as Prolocutors, but as Vicar Generals, and so only Judges, before whom the whole Clergy of the Diocese of *London*, or *Canterbury*, have appeared as my Lord Bishops Subjects, for their Trial and Censure?"—And as to Mr. *Buchanan*, his being Moderator of the General Assembly, he says, "That he heard that Mr. *Buchanan* had been sometimes a Preacher at *St. Andrews* after his long Travels. He was employed by our Church and State to be a Teacher to King *James* and his Family : And of the Faithfulness of his Charge, he left (I believe to the World) good and satisfactory Tokens. The Eminency of this Person was so great, that no Society of Men need be ashamed to have been moderated by his Wisdom." As the above Regulation was made by the Assembly, *February 25th, Anno 1568* ; so the first Session of that Assembly was marked thus, "There were assembled the Superintendents, Ministers, Commissioners of Towns, Kirks and Universities." They are also set down as present in the Assemblies 1570 and 1572, and in the most of the Assemblies afterwards.

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The Assembly, Anno 1578, approved of the *second Book of Discipline*: And in the 5th Chap. and 5th Sect. of that Book, they seem to make Doctors constituent Members of all Church judicatories. The Words are, *The Doctor being an Elder, as said is, should assist the Pastor in the Government of the Kirk, and concur with the Elders his Brethren (N. B.) in all Assemblies, by reason of the Interpretation of the Word, whilk is only Judge in Ecclesiastical Matters, is committed to his Charge.* But in this Church, we know no other Doctors, but such as are Professors of Divinity, and the Principals of Colleges, who are *professores Theologiae primarii*; unless we shall maintain, that all Ministers are Doctors. In the 4th Section of the said Chapter, we have the following Passage, " Under the Name and " Office of a Doctor, we comprehend also the Order " in Schools, Colleges, and Universities, whilk has " been from Time to Time carefully maintained, " as well among the *Jews* and Christians, as among " the profane Nations." There is no Question, but all Professors of Divinity, and Principals in Colleges, have a Title to sit and vote in Presbyteries, within whose Bounds the University or College is; this is a Right they are all in Possession of. And the Assembly, Anno 1582, made the Pastors and Doctors the chief constituent Members of Presbyteries: For I find, that there were certain Doubts proposed to that Assembly concerning Presbyteries, and that they answered the same. The second Answer was, " That " the Number of such as are associate to the Eldership " (*i. e.* the Presbytery) for Discipline and Correction of " Manners; that are not Pastors nor Doctors, who travel " not in the Word, be not in equal Number, but fewer " the Proportion; as the Necessity of the Elderships " crave." As Professors of Divinity and Principals of Colleges are Members of Presbyteries, so they are of provincial Synods; And so they should be likewise

constituent Members of Kirk-sessions. And I believe it is so, as to the Principal of the new College of St. Andrews, who is a constituent Member of the Kirk-session there; and for the same Reason the Professor of Divinity should be a Member of it. Principals and Professors of Divinity are fixed and constant Residents in the Place; and being Elders, *ipso facto*, that they are Ministers and Doctors, since the superior Office necessarily includes all the Privileges and Powers of the Inferior, their Right to sit in the Session seems to be as good as that of any other Elder; their residing in the Bounds of the Presbytery gives them a Right to sit and vote in the Presbytery: And by a Parity of Reason, it should intitle them to a Seat in the Kirk-session; especially, because the Students of the University are under their particular Inspection and Care, as to religious Matters: And since these Students are subjected to the Church-discipline of the Sessions of the Burgh, it is highly reasonable, that their Masters should sit in these Courts, before whom the Students under them may come. Thus we see, what is to be said for their being constant Members in Sessions, Presbyteries and Synods; and 'tis thought, that the Generality of the Clause, *viz.* "All Assemblies may support their Claim to be constantly Members of our national Assemblies."

In the Year 1586, the Number of Commissioners of any Kind, from the distinct Bodies they were to represent, was not fixed; and therefore the Assembly holden that Year declared, That Doctors might convene to the Assembly, and vote, without any Restriction as to the Number. Mr. Calderwood, *Church History*, p. 206, acquaints, "That in the sixth Session, two Articles reasoned upon in the privy Conferences, were proponed by the Moderator to the Assembly, and assented to. The first, 'Tis found, that all such as the Scripture appointeth Governors of the Kirk, to wit, Pastors, Doctors and Elders,

" may

" may convene to the General Assemblies, and vote
 " in ecclesiastical Matters." In the Year 1602, there
 were several Articles containing the several Grievan-
 ces of the Synod of *Fife*, read after great Struggle;
 whereof the Fifth was, " That the Doctors bearing
 " an ordinary Calling in the Kirk, by the Disci-
 " pline and Custom thereof, are debarred from As-
 " semblies." To this the Assembly answered, as it
 is in Mr. *Calderwood, Church History*, p. 465. The
 General Assembly finds, " That Doctors have
 " had, and may have Vote in the General Assem-
 " bly, they having a lawful Commission for that
 " Effect, according as hath been found and declared
 " by the General Assembly, holden at *Edinburgh*,
 " May 10. Anno 1586; and at Anno 1581,
 " where it is found and declared, by the Acts of the
 " Assembly, That Doctors should concur with the
 " Elders in all Assemblies."

In the Year 1641, Mr. *Henderson, Government
 and Order of the Church of Scotland*, p. 24, says,
 " That the Church of *Scotland* hath had no other
 " Doctors, but the Professors of Divinity in the U-
 " niversities and Colleges, of which some use to be
 " chosen to be Elders of particular Churches, and
 " Commissioners to the National Assembly." In the
 Year 1643, the Assembly *Sess.* 3d, made the follow-
 ing Act for the Election of Professors of Divinity, to
 be Commissioners either from Presbyteries or Univer-
 sities. The Words of the Act are, *The Assembly
 thinks, if Professors of Divinity in Universities be
 Ministers, that they may be chosen Commissioners to
 the Assembly, either by the Presbytery, as Ministers,
 or by the University, as Professors of Divinity.*
 By this Constitution, they will have a Seat in the
 Assembly oftner than Ministers, by being chosen
 sometimes by the Presbytery, and sometimes by the
 University.

As to the Number of Representatives from each

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Uni-

University or College, I observe, that our Practice has been to send One only. In the Assembly, *Anno* 1602, the University of *Glasgow* sent Mr. *Patrick Sharp*, and that of *St. Andrews* sent Mr. *James Martin*. But the *Westminster Directory for Church Government*, sent down to our Assembly, *Anno* 1457, after they had proposed, that the Number of Delegates out of every Province shall be three Ministers and three Ruling Elders: Their Scheme of General Assemblies likewise proposed, "That Five learned and godly Persons be sent from each University." This determines, that the Representatives of Universities should be pious and learned Men: But it does not appear from the Directory, that it is necessary that they be Doctors of Divinity, or Ruling Elders; they likewise fix the Number, and will have them to be Five; for these Reasons, with some others, our Assembly in *Scotland* did not receive their Directory.

By the 6th Act of Assembly, *Anno* 1704, it is determined, "That no Minister or Elder can be commissioned to the General Assembly by an University, but such as reside in, or have a Relation to the University." By a Relation to the University, I understand, that the Minister must be a Professor of Divinity in it, or in some Office in the University; and that the Elder must be a Master and Teacher of one of the liberal Sciences, or of the Languages. By this Act it is plain, that Colleges are left to their Liberty to elect either a Minister, if he is a Professor in the College, or an Elder, if he is one of the Masters.

There are five Universities or Colleges in *Scotland*, Four of which have been in Use to direct each of them a Commissioner to the General Assembly, the Colleges of *St. Andrews*, *Glasgow*, the King's College of old *Aberdeen*, and the College of *Edinburgh*. But as for the *Marshall College* in *Aberdeen*; so far

as I can learn, they had not since the Revolution sent a Commissioner to the General Assembly, till the Year 1730, the Occasion of which, I suppose, is very well known; to which Assembly they sent the Reverend Mr. *John Osburn* Principal of their College. And in the 15th Sess. of the said Assembly, the Committee for Overtures (as the Register bears) brought in the Report of the Committee for revising Commissions. The 3th Article of their Report is, "That there is a Commission from the Marishal College of *Aberdeen*, to the Reverend Mr. *John Osburn* their Principal, in the Terms of the Acts of the General Assembly, and attested by the Presbytery; but the Committee does not find, that the foresaid Marishal College have been in Use to be represented in the General Assembly." The Resolution the Assembly came to, as to the Remark made by the Committee was, "That as to Right of the Marishal College, their being represented in the Assembly, they reserved the discussing thereof until another General Assembly; this Assembly being now near an End." When the next Assembly came, they sent their Commissioner to it, but the Commission was not quarrelled, nor has been at any Time since.

I have done with this Head, when I shall acquaint the Reader, that it is not necessary that the Commissions from the Universities be attested by the Minister and Kirk Session, as it is with respect to Commissions from Burghs, their Consent to, and Approbation of the Commissions given to the Universities Representatives is not required, it is sufficient that they be attested by the Presbytery of the Bounds, within which the University or College is.

After all I have said in the Overture, and the Illustration of it, and likewise in the proceeding History of the Constitution of our Assemblies: I must be so vain as to think I have advanced a great

many Things very strong for recommending the Overture for a *Rotation*; and to profess that I believe, that it would be the great *Palladium* for securing the Liberty and Freedom of our General Assemblies, and the grand Mean of restoring that Peace and Charity, that is so much wish'd to prevail among the Ministers of the Gospel. I am not so foolish as to expect, that it will be gone into by us all at once; but since in many Presbyteries thro' the Nation, it was observed, so that they sent the Ministers by their Course and Turn, it will surely be agreeable to them. And as to others that have not followed the same Method, I have opened up to them very plausible Arguments to enforce it upon them.

I lay it to my Account, that some who have Designs to raise themselves, by being frequently Members of our Assemblies, will labour to defeat it; and others will send forth Abundance of Pamphlets against me, as they have done against my Writings on *the Right and Power of calling Ministers to vacant Churches*, some of which, wherein there was any Shadow of Argument, I have answered to the Conviction of the Judicious and Intelligent. Others, who have filled their Performances with Satyre and ill Nature, without bringing any Thing like Argument and Reason, I have treated with Neglect and Contempt; *i. e.* I did not think it worth my While to blacken Paper against them; herein following the Example of the pious, ingenious and learned Mr. *Joseph Mede*, when he saw Men impetuous in the Assertion of their Opinions, and peremptory in the Rejection of other Men's Judgments; he commonly answered such with Silence, not caring to entertain Discourse with them; who instead of a sober and modest Enquiry into Truth, were addicted to a disingenuous Humour of Disputacity; that was his Term, which in his Sense, signified to be always resolved for the last Word. When he found them
to

to be self-conceited, and pertinacious Wranglers, he would allow them the last Word in Speaking and Writing. Further, That which diverted me from showing any Regard to several Authors that wrote against me was, that which the ingenious and polite Writer of the *Spectator* said, when he was traduced by a contemptible Tribe of Writers: "The Truth of it (says he) is, I am afraid of making them considerable, by taking Notice of them; for they are like to these imperceptible Insects, which are discovered by the Microscope, and cannot be made the Subject of Observation, without being magnified." But these Gentlemen who have wrote against my former Treatises, are like to vindicate what I have advanced in them: For notwithstanding they have got the Power in their Hands, and did carry every Thing by a vast Majority in the two preceding Assemblies; yet what have they done for asserting the Right of the People, in calling Ministers to vacant Parishes, when they in their Sermons and Writings have given it out, that this Right is the Purchase of CHRIST, and one of his Legacies to the Church? Have they, when they have the Power in their Hand, so much as made an Act of Assembly, when the Right of Calling shall be devolved in the Hands of the Presbytery, that Presbyteries shall not make Use of that Right? Or have they enacted, that in that Case, all the Heads of Families shall be the Callers, or all the Communicants, Men and Women shall in the supposed Case be the Callers? Or have they, when they have petitioned the Parliament for repealing the Patronage Act, desired to have a Law investing the People with the Right? Nay, so far from that, that we are told that the restoring the Act of Parliament, *Anno* 1690, will please; which must be very strange, after they have laboured so much to have the Act of Assembly 1732 abolished. This is what they had in their Power to have

have carried by a vast Majority; let them then tell honestly, why they have not done these Things, or let them no more go to the Pulpit with their popular Declamations on this Head, to spirit up the People to a popular Prelacy, that is now rampant among them, whereby they assume over their Ministers, and prescribe Rules and Laws to them, to which alas, too many are so cowardly as to submit, and to their Reproach endure such an inglorious Slavery.

F I N I S.

